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Educational Excellence for All Children Act of 1999

Fact Sheet

The President announced that he would shortly send to the Congress the "Educational Excellence for All Children Act of 1999," his proposal to reauthorize the Elementary and Secondary Education Act of 1965 (ESEA). This legislation reaffirms the critical role of the Federal Government in working with schools, school districts, and States to promote educational excellence for all children. Every child, parent, grandparent, and taxpayer deserves high quality public schools in their communities.

More specifically, the proposal would build on the 1994 ESEA reauthorization, which established the core principle that disadvantaged children should achieve to the same challenging academic standards as their more fortunate peers, by helping States, districts, schools, and teachers use these standards to guide classroom instruction and assessment for all students.

Background

In 1994, the Clinton Administration and the Congress began the transformation of the Federal role in education by passing the Improving America's Schools Act, which reauthorized the ESEA, and the Goals 2000: Educate America Act, which supported State and local school reform efforts based on challenging academic standards and assessments linked to those standards. Prior to 1994, our education system had for too long condoned low expectations and low standards for disadvantaged children, and Federal programs often reflected those expectations. The 1994 laws established the clear expectation that all children can and should reach high standards.

The two laws were built on the principle that students and schools rise to the expectations and standards we set for them. Therefore, Federal resources were focused on helping States to develop and implement challenging State standards for all children and to use those standards to improve learning through a coherent and aligned system of curricula and assessments.

The 1994 laws complemented and accelerated reforms already underway in many States and school districts, while providing a catalyst for change in States that had not yet begun setting high academic standards. In fact, in a recent study by the General Accounting Office, many States reported that Goals 2000 has been a significant factor in promoting their education reform efforts. Similarly, according to the National Assessment of Title I, about half of poor school districts across the Nation report that Title I is "driving standards-based reform in the district as a whole." With 48 States, Puerto Rico, and the District of Columbia having completed the development of State content standards for all children, it is clear that higher standards are taking hold nationwide.

More importantly, there is strong evidence that where States have

implemented standards-based reform over a period of time-together with accountability mechanisms linked to those standards-students have benefited. For example, North Carolina and Texas made greater gains in math and reading on the National Assessment of Educational Progress (NAEP) than any other State between 1992 and 1996. Texas also showed significant progress in closing the achievement gap between minority and white students. A recent study by RAND researchers concluded that the most plausible explanation for these gains included the effort by both States to align their systems of standards, curriculum, and assessments, and to hold schools accountable for the improvement of all students.

In developing its 1999 ESEA reauthorization proposal, the Administration drew on the experience of implementing the 1994 Act, efforts to measure program performance under the Government Performance and Results Act, and a review of Congressionally mandated evaluations of Title I and other programs. These efforts also were informed and enriched by conversations with hundreds of teachers, principals, parents, community activists, and State and local officials nationwide. Four themes emerged again and again during this process, and these same themes are found throughout the Educational Excellence for All Children Act of 1999: (1) firmly committing to high standards in every classroom, (2) improving teacher and principal quality to ensure quality instruction for all children, (3) strengthening accountability for results coupled with flexibility, and (4) ensuring safe, healthy, disciplined, and drug-free school environments where all children feel connected, motivated, and challenged to learn and where parents are welcomed and involved. To ensure that States adopt policies and practices that promote high quality education for all children, ESEA requires States receiving grants under the Act to adopt policies and programs incorporating these important themes.

High Standards in Every Classroom

The next step in education improvement is to take the high standards set at the Statehouse and move them to schools and classrooms. The Educational Excellence for All Children Act of 1999 renews the Federal commitment to high standards for all children and promotes this next stage of standards-based reform by helping States, districts, schools, and teachers use challenging State standards to guide classroom instruction and student assessment. The bill also supports high standards by helping children to read well and by providing extra resources to help all students succeed. The proposal would:

- Raise student performance by increasing academic standards. The proposal would support implementation of challenging standards and aligned assessments in every State. Title I of the ESEA would continue to focus on high expectations for all children, retaining the current statutory requirement that States establish content standards, student performance standards, and assessments aligned with the standards by the 2000-01 school year. Title II includes a specific authorization to help States and school districts align

instruction, curriculum, assessments, and professional development to challenging academic standards.

- Implement continuous improvement and accountability based on challenging standards. States will hold all school districts accountable, and school districts will hold schools accountable, for continuous and substantial gains in overall student performance and in the performance of the lowest-performing students.
- Provide teachers with up-to-date training and support through a new Teaching to High Standards initiative. States have made great strides in developing standards, but only 36 percent of teachers report that they feel very well prepared to teach to high standards. The Title II Teaching to High Standards initiative would help schools and school districts give teachers the tools and training they need to help students reach high standards.
- Put useful technology into schools and classrooms to help teachers teach to high standards. The Technology for Education initiative would help teachers, particularly in high-poverty districts, use technology to teach students to challenging State standards, for instance by using distance learning to get challenging subject matter into all classrooms.
- Strengthen the teaching of reading and reduce class size. The bill would continue the Class-Size Reduction initiative, which seeks to reduce class size in the first through third grades to a nationwide average of 18 students, to ensure that all students receive the individual attention they need to read well and independently by the end of the third grade. It would continue the Reading Excellence Act, which focuses on professional development, extended learning time, and family literacy. Improvements in the Even Start family literacy program would increase the intensity and quality of family literacy services, while a new initiative in Title II would provide professional development for early childhood educators.
- Emphasize math and science education by earmarking the first \$300 million of the Teaching to High Standards grants under Title II for professional development in those subjects. In particular, these funds would help States and school districts take full advantage of new research and curricular materials aimed at improving the teaching and learning of mathematics. The bill also would reauthorize the Eisenhower National Clearinghouse for Mathematics and Science Education and the Eisenhower Regional Mathematics and Science Education Consortia.
- Improve foreign language instruction by setting a national goal that 25 percent of all public elementary schools offer high-quality, standards-based foreign language programs by the year 2005, rising to 50 percent by 2010. The bill would help States and districts meet this goal by supporting the

development of foreign language standards and assessments; expanding the pool of elementary school foreign language teachers through improved recruitment and professional development efforts, and encouraging the use of educational technology in foreign language instruction.

- Focus on promoting equity, excellence, and public school choice options for all students. Recognizing that no one school or program can meet the unique needs of every student, public school choice provides students with the flexibility to choose among public schools and programs that differ with respect to educational settings, pedagogy, and academic emphasis. Title V will support programs that can enhance options for students and parents, including the Magnet Schools Program, the Public Charter Schools Program, and a new authority that will fund innovative options for public school choice.
- Continue to target education resources on areas of need. The bill also would continue to target Federal elementary and secondary education resources on those students furthest from meeting State and local standards, with a particular emphasis on narrowing the gap in achievement between disadvantaged students and their more fortunate peers. In this regard, the bill would also phase in equal treatment of Puerto Rico in ESEA funding formulas, so that poor children in Puerto Rico are treated the same as those in the rest of the country for the purpose of formula allocations.

Strengthen Teacher and Principal Quality

Qualified teachers are critical to improving student achievement, yet too many teachers are not provided with on-going, high-quality professional development to help them improve and build on their teaching skills. In addition, many teachers leave the profession in their first three years, and far too many teachers are teaching in a field in which they were not trained. In Title I schools, an increasing number of unqualified teacher aides are providing direct instruction without supervision by a certified teacher. To address these problems and help ensure that every child in America has a talented and dedicated teacher who is prepared to help all children reach high standards, the President's bill would:

- Help teachers teach to high standards. The Title II Teaching to High Standards initiative would support State and local efforts to: (1) help teachers and principals align curricula and assessments with challenging State and local content standards; (2) provide teachers with sustained and intensive high-quality professional development in core academic content areas; (3) support new teachers during their first three years in the classroom; and, (4) help ensure that all teachers are proficient in content knowledge and teaching skills. This new initiative takes the place of, and incorporates the most successful elements of, three current State grant programs: Goals 2000, Eisenhower Professional Development, and ESEA Title VI Innovative Education

Program Strategies.

- Support a national effort to recruit talented individuals to become principals and support their professional development to become effective instructional leaders. The Teaching to High standards initiative would authorize support for new and continuing principal development and leadership.
- Expand recruitment and retention efforts to help meet the need for 2.2 million new teachers over the next decade. The Teaching to High Standards initiative would support State and local efforts to recruit and retain high-quality teachers in high-need areas. These efforts would include, for example, the creation of a national job bank and encouraging portability of licensure and other teaching credentials. The Teaching to High Standards initiative also would include a priority for school districts that support teachers in their first three years of teaching, a period when many good teachers leave the classroom. The Transition to Teaching initiative would expand the existing Troops to Teachers program to help non-military (as well as military) mid-career professionals become teachers, particularly in high-poverty school districts and high-need subject areas.
- Require certification for new teachers in Title I schools. Our proposal would require all new teachers in programs supported with Title I funds to be fully certified in the subject they teach. By July 1, 2002, paraprofessionals with less than two years of college would be limited to non-instructional duties; while those with two or more years of college could provide instructional support and tutoring only under the supervision of a certified teacher. A new set-aside for professional development in Title I would help create a career-long professional learning environment for teachers in Title I schools.
- Strengthen the State teacher certification process. States would be required to ensure that, within four years, at least 95 percent of their teachers are either (1) fully certified, (2) working toward full certification through an alternative route, or (3) fully certified in another State and working toward meeting any State-specific requirements. States will also be required to ensure that at least 95 percent of secondary school teachers have academic training or demonstrated competence in the subject area in which they teach.
- Help future teachers use advanced technology to improve classroom instruction. The Technology Literacy Challenge Fund would support sustained and intensive high quality professional development in school districts to increase teacher capacity to create improved learning environments through the integration of technology into instruction. The Preparing Tomorrow's Teachers to Use Technology initiative would support consortia of public and private entities to train new teachers to use technology to prepare students to achieve to challenging State and local standards.

- Train early childhood educators to prepare disadvantaged students for school. This Title II proposal would provide grants to partnerships of professional development providers, community-based early childhood programs, and school districts to provide high-quality professional development to early childhood providers. The emphasis would be on research-based approaches to professional development in language acquisition, literacy, and reading development.
- Train classroom teachers to teach students with limited English proficiency (LEP). Because LEP students are found in more and more classrooms, the proposed amended Title VII Bilingual Education program would support teacher education programs that develop the ability of regular classroom teachers to teach LEP students.

Strengthen Accountability for Student Performance

The 1994 laws provided States and districts with increased flexibility to coordinate, modify, and combine program funding and activities in exchange for greater accountability for improved educational achievement. States, districts, and schools have begun to take advantage of this increased flexibility, but too often without the necessary implementation of effective accountability mechanisms. Early research suggests, however, that it is precisely those States with the most comprehensive and effective accountability systems that are making the most progress in increasing expectations and standards for students and schools and improving student achievement.

The President's reauthorization proposal would retain the ESEA flexibility provisions included in the 1994 law, including the expansion of schoolwide programs, consolidation of administrative funds, and waiver procedures for regulatory and statutory provisions that stand in the way of innovative reform efforts. The bill also would retain and update the provisions of the Education Flexibility Partnership Act of 1999, which expanded eligibility for ED-Flex authority to all States.

To help ensure that this enhanced flexibility leads to improved student achievement, the President is proposing several new accountability measures:

- Strengthen accountability for districts and schools. Our proposal would encourage States to develop one rigorous accountability system that holds all schools, including Title I schools, accountable for making continuous and substantial gains in student performance. States will have the flexibility to use either the model outlined in the statute or an alternative that is at least as rigorous and effective. States without a single State-wide accountability system would be required to develop one for their Title I schools.
- Increase accountability to parents and the public through school report cards. States and school districts receiving

ESEA funds would be required to produce and distribute annual report cards for each school, the school district, and the State. The report cards would include information on student achievement, teacher qualifications, class size, school safety, attendance, and graduation rates. Where appropriate, student achievement data would be broken out by demographic groups to identify any gaps between disadvantaged students and their peers.

- End unsound educational practices of social promotion and retention. States would be required to put into place educational practices within four years, targeting students who need additional help in meeting challenging State academic standards at three key transition points (e.g., fourth grade and eighth grade and high school graduation). Such practices include early identification and intervention strategies, smaller classes with well-prepared teachers, high-quality professional development, greater family involvement, and extended learning time. State policies would use multiple measures, including an assessment valid for these purposes, to determine if a student has met the standards.
- Turn around low-performing schools. School districts would be required to identify publicly the lowest-performing schools that have not improved over two years and to implement interventions and provide technical assistance in these schools. Initial interventions could include implementing extended learning opportunities, proven school reform models, and extensive teacher training. If there is no satisfactory improvement in student performance within three years of the initial identification, districts would be required to take corrective actions, such as reconstituting the school by making wholesale staff changes or closing the school entirely and reopening it with new staff or as a charter school. States would be required to reserve 2.5 percent of their Title I LEA Grant funds (increasing to 3.5 percent in fiscal year 2003) to support interventions in failing schools, and would provide 70 percent of these funds to school districts to help them turn around low-performing schools.

Support Safe, Healthy, Disciplined, and Drug-Free Learning Environments

A critical prerequisite for achieving quality and excellence in education is a safe, healthy, disciplined, and drug-free learning environment that provides ample opportunities for each student to make connections with caring adults that support learning and personal development. Notwithstanding the recent tragedy at Columbine High School in Littleton, Colorado, survey data show that schools continue to be safe places in America's communities. Similar survey data, however, show that drug and alcohol use remain disturbingly high in middle and high schools, discipline appears to be a growing problem, and more and more children are leading lifestyles involving little or no physical exercise.

Parents play a critical role in creating and maintaining a healthy

learning environment, and the Educational Excellence for all Children Act of 1999 would retain and strengthen the emphasis on parental involvement first established by the 1994 Act.

The following provisions would support State and local efforts to create safe, healthy, disciplined, and drug-free learning environments in all of our schools:

- Help support and expand the connections between adults and students that are necessary for effective learning and healthy personal development through a High School Reform initiative. This new initiative would provide resources to help transform 5,000 high schools into places where students receive individual attention, are motivated to learn, are provided with challenging courses, and are encouraged to develop and pursue long-term higher education and career goals. Participating schools would serve as models to guide reform in all secondary schools.
- Require every school district and school to have a sound discipline policy. Our proposal will require States to hold school districts and schools accountable for having discipline policies that focus on prevention, are consistent and fair, and are developed with the participation of the school community.
- Emphasize parent involvement policies at the school and district levels and continue implementation of Title I parent-school compacts.
- Improve the Parent Information and Resource Centers by focusing on high-poverty communities, encouraging the use of research-based models for increasing parent involvement, and emphasizing early literacy development.
- Expand access to information through technology by supporting community technology centers that make online education and training resources available to parents and other community members in high-poverty areas.
- Strengthen the Safe and Drug-Free Schools and Communities Act by concentrating funds on districts that have a significant need for drug- and violence-prevention and that are developing and implementing research-based prevention programs of proven effectiveness.
- Create a new School Emergency Response to Violence program (Project SERV) that would provide rapid assistance to school districts that have experienced violence or other trauma that disrupts the learning environment.
- Modify the Gun-Free Schools Act to require an assessment of any student who brings a firearm to school to determine if the student poses an imminent threat of harm and, in the case of students who are suspended or expelled from school, provide for appropriate supervision, counseling, and educational services.

- Promote physical fitness and lifelong healthy habits through demonstration projects. Exemplary physical education programs can promote life-long healthy habits, provide opportunities for students to connect to school, and become an important component of after-school programs.

Educational Excellence for All Children

The 1994 ESEA reauthorization marked a fundamental change in the Federal role in education by establishing the clear expectation that all children can and should reach high standards. Early results suggest that standards-based reform is a powerful tool for raising student achievement and for closing the achievement gap between economically disadvantaged students in high poverty schools and their more fortunate peers. The Educational Excellence for All Children Act of 1999 would build on this early success by reinforcing State and local efforts in key areas like bringing high standards into every classroom, strengthening teacher and principal quality, increasing accountability for student performance, and supporting safe, healthy, disciplined, and drug-free learning environments. The bill provides the Congress a tremendous opportunity to support the changes needed to help all of our children reach high academic standards and to keep America strong and prosperous in the 21st century.

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Title I: Helping Disadvantaged Children Meet High Standards

Issue	Current Law	President's Proposal: Changes and Additions to Current Law	House Committee Differences from Current Law
Part A: Improving Basic Grants to Districts			
Standards and Assessment	- Requires all states to have final assessment systems in place to measure performance of Title I schools/students against state standards in at least math and reading/language arts by 2001. Students must be assessed at a minimum at some point during grades 3-5, 6-9, and 10-12. - Requires results that can be disaggregated by demographic group by 2001.	No change	Grants states one time, one-year waiver for implementation. Non-compliance would result in loss of Title I administrative funds.
Accountability System	- Requires states to use an accountability model outlined in statute or an alternative one that is as rigorous and effective. Those without a statewide accountability system are required to develop one for Title I schools. Encourages states to develop single accountability system for all schools. - Holds LEAs and schools accountable for making "adequate yearly progress" toward enabling participating students to meet the State's proficient and advanced performance standards in at least reading and math. - As part of statute's accountability model, states would adopt three levels of proficiency: advanced, proficient, and basic.	Holds LEAs and schools accountable for continuous and substantial gains in overall student performance and in the performance of the lowest-achieving students in at least reading and math.	Requires states to develop an accountability system for Title I schools only.
Inclusion of LEP students	Requires states to test LEP students included in the assessment in language and form most likely to yield accurate and reliable	Requires Spanish-speaking LEP students to be tested in Spanish. Requires states to test LEP students included in the assessment in	States required to test LEP students in form most likely to yield valid results, except that students attending US schools

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	information on what students know and can do in subjects other than English.	language and form most likely to yield accurate and reliable information on what students know and can do in subjects other than English. Students attending US schools for 3 consecutive years must be tested in English.	for 3 consecutive years must be tested in English. - Grants one-year waiver for testing. - Parental consent must be obtained to place a student in English language instruction. Schools could place a child in instruction after 10 days of no response from the parents.
<i>Adequate Yearly Progress and School Improvement designation</i>	- State plans are required to demonstrate, based on assessments, what constitutes AYP of any school and any LEA served. - AYP is defined as that which is consistent with continuous and substantial yearly improvement to achieve the goal of all children achieving at proficient and advanced levels on state assessments. 95% of a school's student population should be included in the assessment.	No change.	AYP defined as: - applying the same standards to all students; - including a 10 year time line for at-risk groups of students to meet the State's proficient standard of achievement. - Not less than 90% of each subgroup of students must take the assessment. - Adequate yearly progress, defined by (among other things) yearly gains on state assessments <i>by 90% of students taking exam and every subgroup.</i> - States and districts must have 90% of LEAs and schools respectively meet standards for AYP. - Clarifies that academic measures other than performance on state tests (eg, promotion, completion of college prep courses) may not change the identification of schools or LEAs for improvement or corrective action if they would be so identified based on test performance.
<i>School Failure: Improvement status, Corrective Action, and Consequences</i>	School Improvement Status Establishes a process for school and school district improvement that requires that (1) districts identify schools not making adequate progress for two consecutive years; (2) identified schools revise Title I plans in the year after being identified; (3) school	School Improvement Status. Schools that fail to make AYP 2 years in a row are identified for improvement. Identified schools are required to make a change in Title I plan within three months and school district intervention begins immediately.	School Improvement Status. Failure to make AYP for 2 years leads to school improvement. Within 3 months of identification, school must devise a plan for improvement. - A school district may take corrective action at any time after a school is

	districts help the identified schools to improve and ultimately take corrective action against schools that fail for another two years. • Corrective Action Corrective actions include curtailing a schools decision-making authority, transferring staff and/or students to other schools, or reconstituting the school. States use a similar continuum with regard to failing school districts. • Removes from the improvement list schools that make AYP 2 out of 3 years after being identified in need of improvement.	• A school district may take corrective action at any time after a school is designated for improvement. • Corrective Action. Schools are placed in corrective action after 3 years of failure. Corrective action must include at least one of the following measures: (1) implementing a new curriculum, (2) redesigning or reconstituting the school, reopening the school as a charter school, (3) closing the school or LEA; (4) authorizing student transfers to other LEAs; or (5) a joint local-State plan to fix failing schools. • Choice. State and districts must also allow students to transfer out of schools identified for corrective action and must provide transportation or cover transportation costs for these students to attend other public schools. • Removal from Improvement or Corrective Action list. As with current law, schools are removed that make AYP 2 out of 3 years after being identified in need of improvement.	designated for improvement. • Corrective Action Failure to make AYP for 2 additional years leads to corrective action. LEAs must take at least 1 of 6 measures: (1) withhold funds; (2) decrease decisionmaking authority; (3) impose alternative governance such as reopening as a charter; (4) reconstitute the school; (5) authorize transfers; and/or (6) institute a new curriculum. • Choice. Schools must allow students to transfer to other schools in not less than 6 months and not more than 18 months of the school being identified in need of improvement. • Removal from Improvement or Corrective Action list. As with current law, schools are removed that make AYP 2 out of 3 years after being identified in need of improvement.
<i>State Support for Improvement</i>	• Requires State mechanisms to, at a minimum, identify "distinguished" educators and schools, and create a statewide system of "school support teams." • Gives priority for support to schoolwide programs, then to schools identified for improvement and with 75%+ poverty.	• Requires a State support system that may include, for example, school support teams, distinguished educators, and a peer-review process to improve school improvement plans. • Gives first priority for state support to LEAs subject to corrective action and then to those identified for school improvement.	No language.
<i>Rewards for Success</i>	States designate schools as distinguished if the school has exceeded the state's definition of adequate yearly progress for three straight years. These schools can then act as models/mentors for other Title I schools and are eligible for additional funds from the state.	• Requires states to set criteria for designating schools and school districts as "distinguished." Criteria include measures such as gains in student performance, consistently high performance on state assessments, or improvements in	• Permits LEAs to reserve 30% of any increase in funds from the previous year for rewarding schools for substantially closing the achievement gap between the highest and lowest performing students and that have made outstanding yearly

		participation. Secretary will reward states that demonstrate significant achievement gains in core subjects for three straight years, close the gap between low and high performing students, have strategies in place for continuous improvement including reducing social promotion and retention. Rewards include priority in ESEA grant competitions, bonus funds to states, or increased flexibility.	progress for two straight years.
<i>Set Aside for turning around failing schools</i>	Requires States to reserve at least \$200,000 (and permits them to reserve up to ½ of one percent) of combined allocations for Title I LEA grants, State Migrant, and State Neglected and Delinquent grants for school improvement purposes.	Sets aside 2.5 percent allocation at the state level (about \$200 million total) for states and school districts to carry out corrective action and help low-performing schools. At least 70% of funds would flow to districts to facilitate rapid action; 30% would be used for a state support system. Set aside would be 3.5% by 2003-04.	- Allows LEAs to use Title I funds for school improvement activities by the district. - Allows, but does not require, states to set aside 0.5% Title I funds (no minimum) for school improvement purposes.
<i>School Choice Provisions</i>	- Generally allows Title I funds to support choice programs - No mandatory public school choice	- Districts required to provide choice to students in corrective action schools (after third year). - Districts must provide transportation or cover transportation costs for eligible students to attend other public schools.	- Generally allows Title I funds to support choice programs for students to transfer to other public schools or charter schools not identified in need of improvement. Also clarifies that funding can be used to provide transportation for children in public choice programs. - Requires school districts to offer public school choice to a student who is the victim of a violent crime on school grounds; and (2) allows school districts to provide public school choice to a student who attends an "unsafe" school. Schools are defined as "unsafe" by the State. - Districts required to provide choice to students in schools identified for improvement not less than 6 months and not more than 18 months after being identified in need of improvement. Choice

			plan would be required "unless the option to transfer is prohibited by state law, or local law, including school board-approved LEA policy. Districts required to continue choice option for at least 2 years after school loses its designation as a school in school improvement.
Teacher Professional Development	- Requires schools to provide ongoing professional development for school staff working with disadvantaged students. - Requires schools identified for school improvement to devote an amount equivalent to at least 10 percent of one year's Title I allocation to professional development activities conducted during two consecutive years.	Require districts to use 5% of Title I funds in years 1 and 2 and 10% of funds for fiscal year 2003 and thereafter to support teacher development	No requirement for LEAs to reserve 5% to 10% of funds for ongoing professional development.
Teacher Quality/ Paraprofessionals	- Requires paraprofessionals to have a HS degree or its equivalent, or be within two years of obtaining either. - Paraprofessionals who work with LEP students are exempt from requirement. - Paraprofessionals must be under direct supervision of a teacher.	- Require all new teachers paid by Title I or working in a Title I school operating a schoolwide program to be certified for what they are teaching or to have a BA and be working toward certification within 3 years. - Require by July 2002 all paraprofessionals to hold a high school diploma and require those providing instructional support to have at least two years of college. Paraprofessionals with HS diplomas, but less than 2 years of college may perform only non-instructional duties. - Exempts paraprofessionals who assist with LEP students from requirements.	Includes teacher quality provisions from HR 1995, Teacher Empowerment Act including: 100% of teachers would have to be certified by 2003. - Requires a freeze on new paraprofessional hires until all teachers are fully qualified. New paraprofessionals would have to have 2 years of study in college; an associate's degree; or meet rigorous standards of quality that demonstrate knowledge and ability to instruct in reading, writing, and math. HS diploma or GED necessary but not sufficient for qualification. Existing paraprofessionals would have until 2003 to meet criteria. - Does not allow paraprofessionals to instruct in reading, writing, or math unless they have demonstrated on a state or local assessment the ability to effectively instruct in those areas. - Exempts paraprofessionals who assist with

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			LEP students, translation activities, etc except that they must have a HS diploma or GED. Allows for instruction by teachers, principals and guidance counselors to work with parents and students from groups such as females and minorities who are underrepresented in careers such as math, science and technology.
<i>Schoolwide programs</i>	- Consistent with Ed-Flex and Title 14 waiver authority, allows schools with 50% student poverty to operate schoolwide programs. Prohibits exemption of schoolwides from IDEA requirements. - Specifies 8 components for schoolwide programs.	- Require states to reduce fiscal and accounting barriers to combining Title I funds with funds from all sources. - Require school districts to peer-review schoolwide and school improvement plans and states to peer-review district-level Title I plans and improvement plans. - Reduces to 3 the components of schoolwide programs: needs assessment; research-based design; review of school's progress in increasing student achievement.	- Allows schools with 40% student poverty to operate schoolwide programs. - Emphasizes that schoolwide programs should focus on children most at-risk of academic failure. - Schoolwide programs are not required to maintain separate fiscal accounting records when they combine federal with state and local funds. - No requirement for peer review.
<i>Within District Targeting of Title I funds</i>	If funds are insufficient to provide services in all eligible schools, and LEA with more than 1000 student must (1) rank and serve in order schools that are above 75% poverty; (2) at schools with 75% poverty and below, districts are permitted to serve all grade spans or just one grade span in rank order. - Districts can make any school above 35% poverty eligible for Title I funding. - If an LEA serves a school below 35% poverty, they must allocate a 125% per pupil allocation to each school.	Clarifies that LEA may allocate a greater per-child amount to higher-poverty than lower-poverty schools.	- Allows districts to give priority to fund elementary schools in rank order before other schools at schools above or below 75% poverty. - Increases from 1,000 to 1,500 the total enrollment needed in school districts to exempt a district from ranking requirements.
<i>Parent Involvement</i>	Requires districts to set aside 1% for parental involvement activities.	No change.	- Requires districts to establish parent advisory councils. - Places a cap on funds that can be used for parental involvement.
<i>Early learning</i>	No language.	Allows districts to provide services to eligible	No language.

<i>and preschool programs</i>		preschool children through Title I schools or contract with Head Start programs. Encourages the use of diagnostic assessments in first grade for reading.	
<i>Private school students</i>	- Requires school districts to provide meaningful consultation to private school officials to determine needed services. - Allows an LEA to use a third part contractor to provide services and requires Secretary to bypass LEAs which are prohibited by law from serving a private school or demonstrate an unwillingness to do so.	Clarifies that teachers and families of participating private school students should participate equitably in professional development and parental involvement activities.	- Requires stronger consultation with private school officials, including hearing the views of private school officials on the use of third party contractors, and an appeal process for officials who have not had meaningful consultation. - LEAs are required to select from three options in determining allocation for private schools services: same as current; survey instrument; or applying proportionate share of poor children in eligible Title I schools to the number of poor children in LEA. - Clarifies that in making a determination whether to bypass an LEA, Secretary would have to consider size, scope, location and quality of existing services.
<i>Character of Services</i>	No language.	No language.	Requires all Title I services to be "secular, neutral, and nonideological."
<i>Extended Learning Time</i>	No language.	Requires districts to describe in their Title I plans how they will promote the use of extended learning in Title I schools.	No language.
<i>Title I Grants/Formulas and Grandfather clause</i>	- Requires that amounts appropriated for Title I LEA Grants in excess of the fiscal year 1995 appropriation for Title I Basic and Concentration Grants be allocated as Targeted Grants. - Provides 86% of funds to poor schools and districts using basic grant formula, a process which thinly spreads out dollars. Other 14% is distributed with concentration grants, which provides for highest poverty districts. - Limits Puerto Rico's allocations by	- Requires at least 20% of Title I, Part A funds flow through targeted grants, which allocate greater dollars to schools with higher poverty; the balance would be allocated by the more thinly-distributed Basic Grants. - Allows ineligible schools to receive within-district Title I funds for one additional year if they were eligible in the previous year. - Requires Puerto Rico's allocations to be determined on the same basis as state	- New funding distribution between targeted and basic and concentration grant formulas: 50% of funding above the 2000 appropriation would be allocated under the targeted formula, 50% of funding above the 2000 appropriations would be allocated between the basic and concentration grant formulas, consistent with the current ratio between the two formulas 85%/15%. - Established an 85% hold harmless for concentration grants to LEAs that for four

	capping its average per-pupil expenditure at 32 percent of the lowest average per-pupil expenditure of any of the 50 States.	allocations—provides 5-year timetable for phase-in.	consecutive years fail to meet the eligibility guidelines. - Allows ineligible schools to receive within-district Title I funds for one additional year if they were eligible in the previous year. - Requires use of the ratio of Puerto Rico's per pupil expenditure to the lowest state average per pupil expenditure in allocation formula. Clarifies that if allocation formula results in any state or DC receiving less money than the previous year, then the ratio used should not be less than the ratio used in the previous year.
Comparability Provisions	Ensures intra-district school comparability.	Requires districts to ensure comparability in terms of staff qualifications, curriculum and school facilities.	No change from current law.
Administrative Set-Aside	Allows states to set aside 1% of allocation for state administrative expenses.	No change	The current 1% set-aside continues to apply for appropriations that equal the FY1999 level. Set-aside would not apply to increases above that level. Separate line-item authorization would be included for additional administrative expenses, and subject to appropriations.
Capital Expenses	Authorizes capital expenses to help meet LEA administrative costs necessary to provide instruction for religious-school students at neutral sites, in compliance with the Supreme Court's 1985 <u>Aguilar v. Felton</u> decision (which was overturned in 1997).	Repeals the authority.	Lowens the authorization of appropriations for capital expenses to 415 million for FY2000 and 2001 and 45 million for FY 2002.
Program Evaluation	- Authorizes a separate appropriation for Title I evaluation. - Requires a National Assessment of Title I programs and a longitudinal National Evaluation of Title I.	Authorizes Secretary to reserve 0.3% of Title I funds to conduct evaluations of Title I and its effectiveness. Mandates a national longitudinal study of Title I's short and long-term impact.	Directs GAO to evaluate how waivers for schools and LEAs, as well as standard waivers, granted pursuant to Ed-Flex affect student learning to high standards.
Part C: Migrant Children			
Allocation and Funding	Provides funds to states based on number of children who reside in state full time and the	- Simplifies funding formula - Establishes funding minimums	Provides funds based on number who reside in the state and the number of

	number of "full-time equivalents" who reside in the state for some of the year.	- Deletes the comprehensive service-delivery plan requirement - Deletes the requirement that awards be made competitively. - Requires applications by states to describe how they will include migrant students in state assessments as required under Part A. - Makes for-profit entities eligible for awards.	migrant children who attended summer or intercession programs. Provides hold-harmless guarantee that LEAs would receive the funding it received in FY2000.
Student records	Requires Secretary to work with states to facilitate transfer of migrant student records.	No change.	- Requires Secretary, in consultation with the states, to develop data elements for migrant reporting. - Authorizes a grant program for improving migrant services.
Parent Involvement	No language.	- Requires state and local MEP consultation with parent advisory councils - clarifies that MEP is subject to Part A provisions to increase parent involvement.	No language.
Part D: Delinquent and Neglected Children and Youth			
Allocation, Focus of Funds and Standards	Provides grants to states which provide grants to state agencies and LEAs for educational programs.	- Requires funds to be focused on students in correctional facilities and delinquent institutions. - Requires state plans to ensure students are held to same standards and offered comparable services as students in regular public schools. - Allow states to use multiple measures to assess student performance.	- Establishes "Transitional and Academic Services Program" to provide for the needs of students returning from correctional facilities and increases amount of funds states are to reserve for this purpose from 10% to 15%. - Allows funds to be used for entrepreneurship education, mentoring and peer mediation.
Part F: General Provisions			
	Authorizes the Secretary to create a Title I policy manual and allows states to reserve 1% of Title I funds for administrative purposes.	No change	Deletes authority for Secretary to create a Title I manual and establishes a 4% LEA administrative cap on spending. Also requires Secretary to develop a definition of administrative costs.

			Includes GAO studies of Ed-Flex and electronic transfer of migrant student records.
Comprehensive School Reform Demonstration Program			
Authorization	Established in 1997 to provides incentives to schools, especially Title I schools identified for school improvement, to implement researched-based programs to strengthen the quality of the educational program.	Reauthorizes Title I demonstration authority and the Fund for the Improvement of Education, through which the CSRD program operates.	- Adds Part G to Title I to authorize existing program in statute. - Requires that ED reports on CSRD to be sent to both authorizing and appropriations committees. - Requires states in making awards to take into account the equitable distribution of awards to different geographic regions within the state, including rural and urban areas, and to schools serving elementary and secondary students. - Requires national evaluation of program results and implementation.

Title II: High Standards in the Classroom

Issue	Current Law	President's Proposal: Changes and Additions to Current Law	House Committee Differences from Current Law
Part A: Teaching to High Standards			
Funding Requirements, Allowances and prohibitions	Teaching to High Standards takes the place of Title III of Goals 2000, Eisenhower Professional Development Program and Title VI, an education reform and innovation program. New Title II intended to focus on giving teachers the tools they need to raise student achievement.	- Focuses funding on professional development that has been shown to be successful in raising student achievement and that is sustained over time. - Allows 10% of reforms to be spent on the development of standards and assessments - Allows state departments to award grants to higher education and nonprofit institutions for innovative professional development.	Creates a new Title II, Part A Teacher Empowerment program of grants. - Requires LEAs to use portions of such subgrants for: professional development activities in mathematics and science and to help student meet high standards; efforts to recruiting, hiring, and training certified teachers in order to reduce class size, or for hiring special education teachers. - Authorizes LEAs to use such subgrants for highly qualified teacher recruitment

		• Distributes half of remaining funds by formula that targets high poverty districts; other half distributed through a grant competition. • Allows states and school districts to use funds to redesign licensure systems • Competitive funding would give preference to programs that focus on supporting teaches in first three years	programs, including financial incentives for teaching in shortage areas; providing alternative routes to teacher certification for professionals from other fields; increased opportunities for individuals underrepresented in teaching. • Authorizes LEAs to use such subgrants also for highly qualified teacher retention programs; teacher quality improvement and professional development programs; distance learning; tenure reform; merit pay; teacher testing in the subject areas they teach, and instruction in how to teach character education in a specified manner. • Prohibits the provision of professional development funds from LEA subgrants if the activity is not directly related to the curriculum and content areas in which the teacher provides instruction. • Permits the use of such funds for instruction in methods of disciplining children. • Authorizes Secretary to award competitive grants to eligible consortia for Teacher Excellence Academies, which would provide alternative route to certification. • Prohibits the use of funds to plan, develop, implement and administer any national teacher test or certification; prohibits requiring states or LEAs to adopt specific methods of teacher certification.
<i>School success and failure</i>	No language	States can extend their grants if they met specific, predetermined goals.	• Authorizes LEAs to use subgrants for teacher opportunity payments for certain teachers or groups of teachers

			to use for professional development of their own choosing. Requires LEAs that fail to meet state teaching standards to make teaching opportunity grants available.
<i>Programs of National Significance</i>	Provides support for the National Board for Professional Teaching Standards and the Eisenhower Clearinghouse for Math and Science Education.	No change.	Does not provide support for National Board for Professional Teaching Standards.
<i>Recruitment and Retention</i>	No language	- Authorizes creation of national job bank for teaching positions - Provides support for efforts to increase portability of teacher credentials and benefits across states - Provides support for programs designed to recruit teachers and retain them for more than 3 years	- Authorizes creation of a program to recruit math and science teachers for high-need systems , following the Troops for Teachers model. - Authorizes competitive grants to eligible rural LEAs to recruit and retain qualified teachers.
<i>School Principals</i>	No language	Allows states and districts to use funds to improve principal practice in supporting instruction.	Provides funds for principal professional development
<i>Private School Participation</i>	No language.	Provides for equitable participation of private school teachers and students in appropriate activities.	Provides that (1) private, religious and home schools are not barred from participation in the programs and services under this Title and (2) nothing in the Title shall be construed to permit, allow, encourage or authorize any federal control over any aspect of private, religious or home school.

Title V: Promoting Equity, Excellence and Public School Choice

Issue	Current Law	President's Proposal: Changes and Additions to Current Law	House Committee Differences from Current Law
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Part A: Magnet Schools Assistance Program			
<i>Use of funds</i>	• Supports magnet schools in LEAs that are implementing desegregation plans. • Grant recipients receive 3-year awards. • Allows 5% of funds to go to "innovative programs" that involve approaches other than the magnet concept.	• Repeals "innovative programs" and incorporates funding under new choice OPTIONS program. • Allows districts to use funds for professional development and other capacity-building activities • Allows up to 5% of funds to be used for evaluation, assistance and dissemination.	• Prohibits use of funds for transportation or any activity that does not augment academic improvement. • Allows funds to support professional development. • Prohibits funds to be expended for planning after the 3rd year.
<i>Instructional Staff</i>	No language.	Allows use of non-licensed teachers such as performing artists and doctors to support school mission. Staff must demonstrate knowledge and skill in subject matter or field of instruction.	Staff must be "fully qualified."
<i>Civil Rights</i>	Requires the ED Office of Civil Rights to determine, before a grant can be made to an LEA, that the LEA will meet the civil rights assurances in its application.	No change.	Deletes requirement that ED OCR review civil rights assurance in application.
<i>Innovative Programs</i>	Authorized funding of schools through Innovative Programs.	Repeals Innovative Programs and folds activities into Part C of this title.	No change.
Part B: Public Charter Schools Program			
<i>Use of funds</i>	Authorizes funding for program to help locals design and implement charter schools (in Title X).	Moves to Title V, Part B with no changes. Authorizes program through 2002.	No change.
Part C: Options for Improving Our Nation's Schools			
<i>Programs to Increase Choice</i>	No comparable program.	• Authorizes new grant program, OPTIONS, to support development, implementation, evaluation and dissemination of information about public school choice projects • Targets funds to high-poverty districts through statutory priority • Requires projects to include performance indicators and	Authorizes \$20 million innovative choice demonstration program to support high-quality public school choice.

		evaluations Replaces Innovative grant program under Part A with program to support innovative approaches to use choice to support school desegregation.	
Part D: Women's Educational Equity			
<i>Use of Funds</i>	Authorizes: (1) local projects to develop model equity programs and implement gender equity policies and learning practices and (2) research and development activities to advance gender equity.	Eliminates current requirement that two-thirds of program funds be used for local projects.	Title B in House bill.

Title VI. Class Size Reduction

Issue	Current Law	President's Proposal: Changes and Additions to Current Law	House Committee Differences from Current Law
<i>Purpose of program and uses of funds</i>	- Title VI currently authorizes the "Innovative Education Program Strategies" program. The FY 1999 ED appropriations act authorized, for one year, the Class Size Reduction program under Title VI. Authorizes funding to reduce class size in the early grades and allows a portion of each district's allocation to be spent on professional development activities. - Requires any LEA that receives an allocation that is less than the starting salary for a new teacher to form a consortium with at least one other LEA for the purpose of reducing class size.	- Repeals "Innovative Education Program Strategies" with Class-Size reduction initiative. - Clarifies purpose to reduce class size in grades 1-3 to 18 students per regular classroom to improve reading. - Permits districts whose allocation is less than a starting teacher's salary to form a consortium with other districts; supplement funds; and use grants of less than \$10,000 entirely on professional development related to teaching smaller classes; permits 1% of funds to be used by states for administration - Requires districts with child poverty levels under 50% to fund up to 35% of activities in this program with non-federal funds. No matching requirement for those with rates above 50%. - Requires states to substantiate plan for reducing class size, including how the state will use other funds to reduce class size and improve reading.	Terminates program.

Title VII. Bilingual Education Act

<i>Allocation of funds</i>	- Secretary to make competitive grants to "eligible entities" for four different types of grants (generally LEAs) - Provides a separate State grant program that provides States with	No change.	Establishes a trigger for a new grant State formula grant structure upon the appropriations for Instructional Services (presently Subpart 1 of Part A of Title VII) reaching \$220 million
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	either 5% of the funding received by eligible entities in a State or \$100,000, whichever is greater for data collection and administration. Provides one authorization for all of part A and its three separate programs.		(FY 99 appropriations are \$160 million). Under this new grant structure, the Secretary would make formula grants to the States, based on their number of limited English proficient (LEP) children. States would then send this funding to eligible entities - 50% to the LEAs with a large number or percentage of LEP children, based on enrollment, and 50% competitive. Provides separate authorization for each program.
Accountability	The Secretary must terminate "comprehensive" and "systemwide" grants that cannot show that LEP students are making adequate progress in learning English and achieving to high academic standards.	Projects failing to demonstrate continuous and substantial progress in three years are required to submit a plan for project improvement for the Secretary's review. If grantees fail to make progress after implementing the plan, the Secretary is required to terminate the grant.	Once the \$220 million trigger takes effect, require States to monitor programs funded with Title VII money to assess whether a majority of students in a program are attaining English proficiency and meeting State academic standards. If a majority of children in a program are not meeting these criteria, then the program would be provided with one year of additional technical assistance. If after one year of technical assistance a program is still failing to meet these criteria, then the State would be required to defund it.
Professional Development	Authorizes one program with 4 separate grant classifications and funds it with 25% setaside of Part A appropriations.	No change.	Collapses 4 grant classifications into one (but maintains their separate focuses). Caps at 15% amount that can be used for fellowships and recruitment; caps at 10% amount that can be used to assist a teacher or develop competency in a second language.
Parental Notification	Requires LEAs to give parents information on the programs their children are being placed in and allow for	No change.	Requires parental consent requirement for circumstances only where instruction will be tailored for

	parents to "opt-out" their children from the program.		LEP children. - Provides that parental consent does not have to be obtained if parental consent can not be obtained after reasonable and substantial effort by the LEA; LEA must document efforts to obtain consent. - For children not identified as LEP prior to the school year, an LEA must document efforts to obtain consent prior to serving the children.
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Title IX. Indian , Alaska Native, and native Hawaiian Education

Issue	Current Law	President's Proposal: Changes and Additions to Current Law	House Committee Differences from Current Law
Part A: Indian Education			
<i>Use of Funds and Flexibility</i>	Provides authority for LEAs receiving Indian education formula grants under this section to integrate these funds with other programs.	Allows tribal schools to determine enrollment through standard student eligibility requirements for public schools.	- Permits LEAs that receive Indian education formula grants under this section to consolidate all federal funding that they receive on a formula basis, from any federal agency, into a single program, subject to several pages of conditions and requirements at both the local and federal levels. - Repeals four unfunded competitive grant programs. - Limits use of funds for administration to 5%.
Parts B: Native Hawaiian Education			

	Authorizes funding for 7 separate programs for Native Hawaiians to support student achievement.	Consolidates programs into single, broad authority.	Consolidates programs.
Part C: Alaska Native Education			
Program Authority	Authorizes funding for 3 separate programs for Native Alaskan programs to support student achievement.	Consolidates programs into single, broad authority.	Consolidates programs into single, broad authority; allows funds to be used for family literacy and reduces administrative limit from 10% to 5%.

Title X: Programs of National Significance

Issue	Current Law	President's Proposal: Changes and Additions to Current Law	House Committee Differences from Current Law
Part B: Gifted and Talented Children			
Program focus	Awards grants to state and local education agencies, IHEs, and other public and private agencies for research efforts.	Continue National Research Center's efforts to disseminate information to schools with high percentages of poor students.	After \$50 million in funds allocated to current program and structure, the balance would be granted to states. States would make competitive grants to LEAs for programs and research.
Part G: 21st Century Community Learning Centers			
Grant Requirements	Grants provided to schools for three years.	• Extends grant period to five years • Requires school districts to match federal funds	No change.
Community Organizations	Encourages schools and community groups to work together.	• Requires schools and community organizations to work together • Allows 10% of grant funds to go to community organizations	No change.
Program Focus	• Provides grants to public schools to offer opportunities for extended learning time to students and community members. • Competitive priority to middle school students.	• Clarifies focus on inner cities, rural areas and small cities and on program that offer extended learning opportunities to children (as opposed to the wider community) • Competitive priority to schools in corrective action.	No change.

Part H: High School Reform			
<i>Purpose and use of funds</i>	No comparable program.	• Supports the planning and implementation of educational reforms in high schools, particularly high-poverty urban and rural high schools. • Authorizes competitive awards to LEAs. Requires, to the extent possible, that a majority of awards be made to assist high schools that participate in Title I programs or serve a high-poverty attendance area. Grants are for up to 3 years. • Carry out reforms to ensure that each high school assisted: (1) is a place where students receive individual attention and support; (2) provides all students with challenging coursework; (3) motivates all students to learn; (4) provides students with a continuous and integrated education; (5) helps students achieve their academic and career goals; and (6) functions as a center for the community. • Authorizes incentive payments to teachers and administrators in selected grantee schools if their students demonstrate significant gains in achievement.	No language.
Rural Assistance			
	Authorizes Secretary to provide grants to LEAs with at least 15% poverty and not in a metropolitan statistical area (MSA) or an LEA with total enrollment under 2500 with no schools in an MSA.	No change.	Creates two subparts: • Subpart 1 allows LEAs under 600 students and eligible by USDA rural code to combine funds from Title II (Teacher Empowerment Act), Title VI, Title VII and the 21st Century Community Learning Centers. LEAs would receive \$100 per pupil minus

			the combined amount from above funds. Guarantees \$20,000; not to exceed \$60,000. Subpart II allows LEAs with 20% poverty and eligible by USDA rural code to receive grants for technology, professional development, technical assistance, teacher quality, parental involvement or academic enrichment programs.
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Title XI: General Provisions, Definitions and Accountability

Issue	Current Law	President's Proposal: Changes and Additions to Current Law	House Committee Differences from Current Law
Part B: Education Accountability Act			
<i>Statewide Accountability Plan</i>	No comparable provision.	Requires that each State: - Develop and implement a statewide system for holding LEAs and schools accountable for student performance by: (1) identifying LEAs and schools in need of improvement; (2) intervening in those schools and LEAs to improve teaching and learning; and (3) implementing corrective actions if necessary. - Develop an accountability plan that addresses the requirements for: (1) turning around failing schools; (2) student progress and promotion policy; (3) ensuring teacher quality; (4) having a sound discipline policy; and (5) producing State, LEA, and school report cards. In addition, the plan must have the concurrence of the	(included in Title I, Part A) Modifies existing accountability provisions from Title I to ensure that each of the separate subgroups of students as well as students as a whole show increased academic achievement gains at state, school district and school levels.

		Governor and SEA. Report annually to the Secretary on State progress toward implementing the accountability provisions, which must be fully implemented not later than four years from the date of approval of the plan.	
<i>Turning around failing schools</i>	No comparable provision.	Requires states to set aside 2.5% of its Title I funds in 2000-01, increasing to 3.5% in 2003-04, for turning around failing schools. At least 70% of funds would flow to districts; 30% would be used for a state support system. Districts would be required to use funds in 1 of 3 ways: - Implementing a new research-backed curriculum - Redesigning or reconstituting the school or reopening as a charter school - Closing the school and allowing students to transfer. Subsequently, funds would be used to provide other support such as interventions and teacher training.	- The following is included in Title I, Part A: - Requires LEAs to reserve sufficient funds to carry out school improvement and corrective action responsibilities - Allows, but does not require, states to set aside 0.5% Title I funds (no minimum) for school improvement purposes.

<i>End Social Promotion</i>	No comparable provision.	Requires states end practice of social promotion and traditional grade retention within four years by putting such policies in place as: • Defining key transition points (like 4th and 8th grade), one of which must be HS graduation, and to hold students accountable for meeting challenging standards at those points. • Requiring LEAs to provide all students with qualified teachers supported by high-quality professional development. • Providing students who do not meet high standards with appropriate interventions. States must students by using valid assessments aligned with state standards, multiple measures for promotion/retention decision, including teacher evaluations; multiple opportunities for students to demonstrate readiness; and reasonable accommodations for students with disabilities and limited English proficiencies.	No language.
<i>Teacher Quality</i>	No comparable provision.	Requires states to ensure that • 95% of teachers are fully certified, working towards full certification through an alternative route, or fully certified in another state and working to meet state-specific standards. • 95% of secondary school teachers have had academic training or demonstrated competence in subject matter they teach. • Unqualified teachers are not disproportionately concentrated in particular LEAs • Certification of new teachers includes	• Requires 100% of teachers to meet President's proposed guidelines. (in Title I, Part A)

		an assessment of content knowledge and teaching skills.	
Report Cards	No comparable provision.	State Report Cards. Requires, within one year, state annual report cards that go to the parents and public. Report cards would include information on: • Student achievement • Teacher professional qualifications • Class size • School safety • Academic achievement of subgroups where appropriate. LEA Report Cards. Requires States to ensure that LEAs and schools produce report cards containing the same information required of States. In addition, LEA report cards must include: (1) the number of low performing schools; and (2) information on how students in the LEA performed on statewide assessments compared to other students in the State. School report cards must identify whether the school has been identified as a low-performing and how its students have performed on statewide assessments compared to other students in the LEA. LEA report cards must be distributed to all schools served by the LEA and made widely available to the public. School Report Cards. Report cards must include information on same topics and be made available to all parents in the school and broadly available to the public.	• (the following is in Title I, Part A) • Clarifies that report cards only need to report on Title I schools. • Clarifies that states with report cards can include information on Title I schools in that report card. • Clarifies that states without report cards can disseminate the required information by other methods such as the Internet, media, or through public agencies. • Requires states, LEAs and schools to provide report cards on student achievement and teacher qualifications, or some other means of information. • Allows parents to request information on child's teacher's qualifications and individual performance with the teacher.
School Discipline	No comparable provision.	Requires states to hold districts accountable for discipline policies that focus on prevention and have community	No language.

		involvement and have provisions for helping expelled or suspended students to meet state standards.	
<i>Rewards for Success</i>	No comparable provision.	Requires the Secretary to recognize and reward States determined to have demonstrated significant, statewide achievement gains in core subjects, as measured by NAEP for three consecutive years, have closed the gap between high- and low-performing students, and have in place strategies for continuous improvement. Authorizes appropriations for this purpose.	(included in Title I, Part A) Permits LEAs to reserve 30% of any increase in funds from the previous year for rewarding schools for meeting accountability targets.
<i>Sanctions</i>	No comparable provision.	Allows Secretary to require states that do not meet accountability requirements to submit an alternative action plan and to terminate states' administrative flexibility or withhold administrative funds for states that continue to fail to meet accountability requirements.	No language.
Part C: America's Education Goals Panel			
<i>Purpose and Use of Funds</i>	Authorizes the establishment of a panel to: (1) report annually to the President, Secretary, and Congress on progress toward achieving the National Education Goals; (2) review voluntary national content and student performance standards; (3) report on promising or effective actions being taken at the national, State, and local levels, and in the public and private sectors, to achieve the National Goals; and (4) help build a nationwide, bipartisan consensus for the reforms necessary to achieve the Goals.	Renames the Panel as the America's Education Goals Panel. Makes necessary updates and clarifications.	No authorizing language.

From: Constance J. Bowers on 10/15/99 11:47:26 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Summary of amendments to HR 2

----- Forwarded by Constance J. Bowers/OMB/EOP on 10/15/99 11:46 AM -----



"Riddle, Paul" <Paul_Riddle@ed.gov>

10/15/99 11:15:36 AM

Record Type: Record

To: Constance J. Bowers/OMB/EOP

cc: See the distribution list at the bottom of this message

Subject: Summary of amendments to HR 2

Here's a summary of the committee amendments to HR 2 that I put together from e-mails from ED staff who attended the mark-up sessions. I still haven't seen the amendments themselves, but I've got a high degree of confidence in the accuracy of these summaries.

<<CommitteeAmendments.doc>>



- CommitteeAmendments.doc

Message Copied To:

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Message Sent To:

H.R. 2 - Amendments approved by
the House Committee on Education and the Workforce
October 5, 6, 7, and 13, 1999

October 5

Castle and Kildee (en bloc)

✓ **LEP children:** limits parental consent requirement for placing LEP children in English language instruction to only those circumstances where the instruction will be tailored for LEP children;

✓ --provides that parental consent need not be obtained if, after written notice and reasonable and substantial effort by the LEA, a parental response is not received; 10 days before placing a child, the LEA must mail or deliver proof of documentation (presumably to the parent) of its efforts to obtain consent;

✓ **Within-district allocations:** increases from 1,000 to 1,500 the total enrollment needed in a school district to exempt a district from ranking requirements for within-district allocations.

✓ **"Grandfather" clause:** As proposed by ED, restores provision from pre-1994 statute permitting LEAs to serve schools that do not meet eligibility criteria but that were eligible and were served in the previous year. LEAs could serve such schools for only one additional year.

✓ **Program improvement/accountability:** requires LEAs to reserve sufficient funds to carry out school improvement and corrective action responsibilities;

✓ **Schoolwide programs:** emphasizes that schoolwide programs should focus on children most at risk of academic failure.

✓ Restores current law provision prohibiting exemption of schoolwides from IDEA requirements, except as provided in section 613(a)(2)(D) of the IDEA.

✓ **Comprehensive school reform demonstrations:** No longer requires States to award grants "through an equitable distribution by geographic area within the State." Instead requires States, when making awards, to "take into account the equitable distribution of awards to different geographic regions within the State, including urban and rural areas, and to schools serving elementary and secondary students." Also, with respect to national evaluation, requires evaluation not only of program results but also of program implementation.

✓ Requires ED reports on CSRD to be sent to both authorizing and appropriations committees.

✓ **Performance standards:** Gets rid of the fourth proficiency level ("below basic"), thus restoring the three-level approach under current law.

✓ **Other academic measures of annual yearly progress (AYP):** Makes clear that academic measures other than performance on State assessments (e.g., promotion, completion of college prep courses) may not change the identification of schools or LEAs for improvement or corrective action if they would be so identified absent the other academic measures.

✓ **Report cards:** Strengthens language to make clear that report cards need to report only on Title I schools, except that if a State or LEA reports on all students in the state or district, it must include info required by Title I. Also makes clear that only States and LEAs -- and not schools -- need to issue report cards.

✓ **LEA improvement:** Restores current law provision that LEAs can be removed from "improvement status" if they have made AYP for 2 out of 3 years after being identified.

✓ **Paraprofessionals:** Makes clear that a high school diploma or GED is a necessary but not sufficient component of the "rigorous standard of quality" option for qualification. Also provides that paraprofessionals may not provide instructional services in writing or math (as well as reading) unless they have demonstrated, through a State or local assessment, the ability effectively to carry out reading, writing, or math instruction.

✓ **Puerto Rico allocation:** Makes clear that if using the ratio of Puerto Rico's per-pupil expenditure to the lowest State average per-pupil expenditure in the allocation formula would result in any State or D.C. getting less money than it received the previous year, then the ratio used to calculate Puerto Rico's share shall be not less than the ratio used in the previous year. Before this amendment, the bill provided that the Puerto Rico allocation won't cause any State or D.C. to get less than it got the previous year, while ensuring that Puerto Rico will get at least as much as it got the previous year (assuming the average U.S. per-pupil expenditure stays constant).

✓ **Bypass for private school children:** Deletes a bill provision that would have allowed bypass whenever private school children served by Title I funds fail to make satisfactory educational progress. Our concern here was that this provision would have made LEAs, not private schools, primarily if not wholly responsible for the education of private school students.

✓ **Neglected and Delinquent Youth program:** includes entrepreneurship education, mentoring, and peer mediation as allowable uses of funds under the Neglected and Delinquent Youth program;

Day 2, October 6

✓ Roemer: authorizes a \$20 million innovative choice demonstration program to support high-quality public school choice initiatives. This is what the Administration proposed under Title V of the ESEA.

Day 3, October 7

✓ Clay: directing the GAO to evaluate how waivers for schools and LEAs, as well as statewide waivers, granted pursuant to Ed-Flex affect student learning to high standards.

Day 4, October 13

✓ Schaffer: to make the 25 percent set-aside for Title I awards optional and to increase the optional amount that can be reserved for this purpose to 30 percent (adopted by a vote of 23 to 20).

✓ Hoekstra: lowering the schoolwide threshold to 40 percent (adopted by a vote of 26 to 21). (The Committee had previously approved a Payne amendment to restore the current threshold of 50 percent.)

✓ Hoekstra: clarifying that if a State already has a report card, it can include information on Title I schools in that report card and providing that if a State does not have a report card, it can disseminate the required information by other methods such as the Internet, media, or distribution through public agencies (adopted by voice vote).

✓ Schaffer: lowering the authorization of appropriations for capital expenses to \$15 million for FY 2000 and 20001 and \$5 million for FY 2002.

✓ Schaffer: requiring all Title I services in public schools to be "secular, neutral, and nonideological" -- the same requirement applicable to Title I services for private school children. (adopted 28 to 21)

✓ McIntosh: expressing the sense of the Congress that the federal government and states reduce the paperwork requirements placed on schools, teachers, principals, and other administrators (adopted by voice vote).

F:\ESEA99\COM\T1A.001

[Title I-A—Student Results-Basic]

H.L.C.

I-95

1 scribed in such paragraph whose students consist-
2 ently make significant gains in academic achieve-
3 ment in the areas in which the teacher provides in-
4 struction.

5 “(b) FUNDING.—

6 “(1) RESERVATION OF FUNDS BY STATE.—For
7 the purpose of carrying out this section, each State
8 receiving a grant under this part shall reserve, from
9 the amount (if any) by which the funds received by
10 the State under this part for a fiscal year exceed the
11 amount received by the State under this part for the
12 preceding fiscal year, 25 percent of such excess
13 amount.

14 “(2) USE WITHIN 3 YEARS.—Notwithstanding
15 any other provision of law, the amount reserved
16 under paragraph (1) by a State for each fiscal year
17 shall remain available to the State until expended
18 for a period not exceeding 3 years.

19 “(3) SPECIAL ALLOCATION RULE FOR SCHOOLS
20 IN HIGH-POVERTY AREAS.—

21 “(A) IN GENERAL.—Each State receiving
22 a grant under this part shall distribute at least
23 50 percent of the amount reserved under para-
24 graph (1) for each fiscal year to schools de-



F:\ESEA99\COM\T1A.001

[Title I-A—Student Results-Basic]

H.L.C.

I-96

1 scribed in subparagraph (B), or to teachers
2 teaching in such schools.

3 “(B) SCHOOLS DESCRIBED.—A school de-
4 scribed in subparagraph (A) is a school whose
5 student population is in the highest quartile of
6 schools statewide in terms of the percentage of
7 children eligible for free and reduced priced
8 lunches under the National School Lunch Act.”.

9 SEC. ____ . PARENTAL INVOLVEMENT CHANGES.

10 (a) LOCAL EDUCATIONAL AGENCY POLICY.—Sub-
11 section (a) of section 1118 (20 U.S.C. 6319(a)) is
12 amended—

13 (1) in paragraph (1). by striking “programs,
14 activities, and procedures” and inserting “activities
15 and procedures”.

16 (2) in paragraph (2) by striking subparagraphs
17 (E) and (F) and inserting the following:

18 “(E) conduct, with the involvement of par-
19 ents, an annual evaluation of the content and
20 effectiveness of the parental involvement policy
21 in improving the academic quality of the schools
22 served under this part;

23 “(F) involve parents in the activities of the
24 schools served under this part; and



"Wilhelm, Susan" <Susan_Wilhelm@ed.gov>
10/13/99 04:55:06 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: ESEA mark-up: Day 4

ESEA mark-up day 4

H.R. 2 was approved by the House Education and Workforce Committee today (Wednesday, October 13) by a vote of 42 to 6. The six members voting against final passage were Mr. Martinez, Mr. Owens, Mr. Payne, Ms. Mink, Mr., Hinojosa, Mr. Paul.

During the mark-up today the following amendments were adopted:

(1) An amendment by Mr. Schaffer to make the 25 percent set aside for awards optional and to increase the optional amount that can be reserved for this purpose to 39 percent (adopted by a vote of 23 to 20);

(2) An amendment by Mr. Hoekstra lowering the schoolwide threshold to 40 percent (adopted by a vote of 26 to 21);

(3) An amendment by Mr. Hoekstra clarifying that if a state already has a report card, it can include information on Title I schools in that report card and providing that if a State does not have a report card it can disseminate the required information by other methods such as the Internet, media, or distribution through public agencies (adopted by voice vote);

(4) An amendment by Mr. Schaffer lowering the authorization of appropriations for capital expenses to \$15 million for FY 2000 and 20001 and \$5 million for FY 2002; and

(5) Amendment by Rep. Schaffer requiring all Title I services in public schools to be "secular, neutral, and nonideological" -- the same requirement applicable to Title I services for private school children. This proposal sparked much debate. Unable to discern the amendment's intent, Democrats asked Mr. Schaffer if he was seeking to insert the federal government into the creationism/evolution debate or to have the federal government prohibit posting of the Ten Commandments in classrooms (!). It was unclear what the proposal would add to existing constitutional law on separation of church and state. [Wilhelm, Susan] (adopted 28 to 21)

(6) An amendment by Mr. McIntosh expressing the sense of the Congress that the federal government and states reduce the paperwork requirements placed on schools, teachers, principals, and other administrators (adopted by voice vote).

Other amendments considered and rejected:

- * An amendment by Mr. Hilleary to lower the schoolwide threshold to 25 percent (defeated by a vote of 40 to 9);

- * An amendment by Mr. Payne to authorize a grant program for urban schools (defeated by a vote of 22 to 20); and

- * An amendment by Ms. Sanchez to subpart 2 of the Title I Neglected and Delinquent Program regarding dropout prevention services for pregnant girls and teenage parents (defeated by a vote of 24 to 21 with one member voting present).

See below for votes on the amendments that were rolled over from last week.

> -----Original Message-----

> From: Liu, Goodwin

> Sent: Thursday, October 07, 1999 6:45 PM

> To: Bunce, Kristin; Ramirez, Heidi; Cook, Sandra; Cohen, Mike; Corwin,

> Thomas; Rigling, Kay; Riddle, Paul; Johnson, Judith; Jovicich, Catherine;

> Heumann, Judy; Cantu, Norma V; Coleman, Arthur; Wilhelm, Susan; Wetmore,

> Cynthia; Jones, Lonna; Smith, Mike; Rogers, Diane; O'Neil, Brendan;

> Bradley, Bridget; Kristy, Jack; Abernathy, Pauline;

> 'ann_o'leary@opd.eop.gov'; Kincaid, William; LeTendre, Mary Jean;

> 'john_b._buxton@opd.eop.gov'; Fleming, Scott

> Subject: ESEA mark-up: Day 3

>

> The mark-up continues -- and will continue next Wednesday, 10/13. No

> recorded votes were taken today. Roll the tape:

>

> PROPOSED: Amendment by Rep. Roemer increasing Title I authorization by

> \$1.5 billion, from \$8.35 billion to \$9.85 billion. [Wilhelm, Susan]

> (defeated 23 to 21, 1 vote present)

>

> PASSED (by voice vote): Amendment by Rep. Clay directing GAO to evaluate

> how waivers for schools and LEAs, as well as statewide waivers, granted

> pursuant to Ed-Flex affect student learning to high standards.

>

> PROPOSED: Amendment by Rep. Martinez clarifying that historically

> underserved populations served by schoolwide programs include girls and

> minorities; requiring professional development activities to include

> strategies for identifying and eliminating gender, racial, and ethnic bias

> in instruction; and providing that optional professional development

> activities include training in equitable methods, techniques, and

> practices to meet the specific needs of girls and minorities.

[Wilhelm, Susan] (Defeated 25 to 21)

> PROPOSED AND WITHDRAWN: Amendment by Rep. Andrews requiring States to set

> aside 2.5% of Title I funds for school improvement and corrective action

> responsibilities. The amendment contained our language. Mr. Andrews

> conceded the lack of support for this proposal, but sought to call the

> Committee's attention to this omission in the bill.

>

> PROPOSED: Amendment by Rep. Sanchez authorizing a \$50 million grant

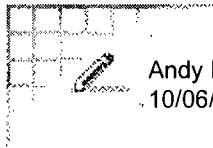
> program to community-based, private nonprofit organizations to create

- > "local family information centers" to provide training, information, and
- > support for parents on how to participate in their children's education.
- > [Wilhelm, Susan] (Defeated 25 to 21)
- >
- > PROPOSED AND WITHDRAWN: Amendment by Rep. Woolsey requiring the Title I
- > poverty formula to include a State-level cost-of-living adjustment, thus
- > changing the distribution of funds among (but not within) States. After
- > Members raised both equitable and technical arguments against the
- > amendment, Ms. Woolsey conceded that her proposal was not "scientifically
- > researched" and withdrew it, while expressing her hope that the bill, once
- > it reaches the floor, will authorize a study of the implications of
- > factoring cost-of-living into the Title I formula.
- >
- > PROPOSED: Amendment by Rep. Mink reinstating the Women's Educational
- > Equity Act. [Wilhelm, Susan] (defeated 27 to 22)
- >
- > PROPOSED: Amendment by Rep. Scott authorizing a \$50 million grant program
- > to LEAs for truancy prevention. After Rep. Martinez shared an
- > entertaining personal reflection on the possible over-reach of truancy
- > prevention programs (apparently, his 5-year-old granddaughter was once
- > tagged a truant), Mr. Scott withdrew.
- >
- > PROPOSED AND WITHDRAWN: Amendment by Rep. Petri allowing private schools
- > that serve high percentages of Title I students to create schoolwide
- > programs and providing students in public or private schoolwide programs
- > with vouchers that may be used to transfer to other public or private
- > schoolwide programs. Needless to say, there was some doubt about the
- > constitutionality of this proposal.
- >
- > PROPOSED: Amendment by Rep. Woolsey requiring professional development
- > activities to include training on math, science, and technology
- > instruction specifically for girls and minorities. [Wilhelm, Susan]
- > (defeated 25 to 24)
- >
- > PROPOSED AND WITHDRAWN: Amendment by Rep. Hinojosa authorizing \$1 million
- > to create a national data system to keep track of migrant students' school
- > records. Mr. Hinojosa withdrew this proposal after Chairman Goodling
- > promised to try to get Mr. Hinojosa appointed to a national migrant
- > education commission that could address this issue.
- >
- > PROPOSED: Amendment by Rep. Hinojosa authorizing a Migrant Parent
- > Advisory Council to advise the Secretary of Education on the
- > implementation of migrant education programs. [Wilhelm, Susan] (Defeated
- > 26 to 23)
- >
- > PROPOSED: Amendment by Rep. Hinojosa authorizing \$150 million in grants
- > to States by Title I formula for schools to develop and implement dropout
- > prevention programs. [Wilhelm, Susan] (defeated 27 to 22)
- >
- > PROPOSED: Amendment by Rep. McIntosh limiting teacher liability for acts
- > within the scope of their professional duties and consistent with local,
- > State, and federal law. The language was somewhat confusing, and the
- > Committee disagreed on its practical effects. The amendment's stated
- > intent is to protect teachers from frivolous lawsuits, apparently by

- > preempting State tort or anti-corporal punishment laws. Stay tuned.
 - >
 - > PROPOSED: Amendment by Rep. Boehner eliminating programs for Native
 - > Hawaiian students.
- [Wilhelm, Susan] (adopted 27 to 22)

Message Sent To:

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John B. Buxton/OPD/EOP
"Fleming, Scott" <Scott_Fleming@ed.gov>



Andy Rotherham
10/06/99 01:11:41 PM

Record Type: Record

To: John B. Buxton/OPD/EOP@EOP

cc:

Subject: Castle/Kildee En Bloc Amendment

----- Forwarded by Andy Rotherham/OPD/EOP on 10/06/99 01:11 PM -----



"Liu, Goodwin" <Goodwin_Liu@ed.gov>
10/06/99 11:06:56 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Castle/Kildee En Bloc Amendment

As mentioned in an earlier e-mail, the House Committee yesterday approved an en bloc amendment to Title I. I've now seen the language of the amendment, and it looks like they took quite a few of our recommendations in the technical assistance memo we prepared last week. Here are some highlights not mentioned in yesterday's e-mail:

Performance standards: Gets rid of the fourth proficiency level ("below basic"), thus restoring the three-level approach under current law.

Other academic measures of AYP: Makes clear that academic measures other than performance on state assessments (e.g., promotion, completion of college prep courses) may not change the identification of schools or LEAs for improvement or corrective action if they would be so identified absent the other academic measures. [We oppose this.]

Report cards: Strengthens language to make clear that report cards only need to report on Title I schools, except that if a State or LEA reports on all students in the state or district, it must include info required by Title I. Also makes clear that only States and LEAs -- and not schools -- need to issue report cards. [We oppose this.]

Grandfather clause: Restores current law provision permitting LEAs to serve schools that do not meet eligibility criteria but that were eligible and were served in the previous year. LEAs may serve such schools for only one

additional year.

Schoolwides: Restores current law provision prohibiting exemption of schoolwides from IDEA requirements, except as provided in section 613(a)(2)(D) of the IDEA.

LEA improvement: Restores current law provision requiring LEAs to be removed from improvement status if they have made AYP for 2 out of 3 years after being identified.

Paraprofessionals: Makes clear that a high school diploma or GED is a necessary but not sufficient component of the "rigorous standard of quality" option for qualification. Also provides that paraprofessionals may not provide instructional services in writing or math (as well as reading) unless they have demonstrated, through a State or local assessment, the ability effectively to carry out reading, writing, or math instruction. [This strengthens para qualifications, doesn't it?]

Puerto Rico allocation: Makes clear that if using the ratio of Puerto Rico's per-pupil expenditure to the lowest State average per-pupil expenditure in the allocation formula would result in any State or D.C. getting less money than it received the previous year, then the ratio used to calculate Puerto Rico's share shall be not less than the ratio used in the previous year. The bill now ensures that the Puerto Rico allocation won't cause any State or D.C. to get less than it got the previous year, while ensuring that Puerto Rico will get at least as much as it got the previous year (assuming the average U.S. per-pupil expenditure stays constant).

Comprehensive School Reform Demonstration program: No longer requires States to award grants "through an equitable distribution by geographic area within the State." Instead requires States, when making awards, to "take into account the equitable distribution of awards to different geographic regions within the State, including urban and rural areas, and to schools serving elementary and secondary students." Also, with respect to national evaluation, requires evaluation not only of program results but also of program implementation.

Message Sent To: _____

Report cards - only Title I need to be reported on
no comparison between Title I & non-title I

ATP

ATP - ~~at~~

Do schools have to show improvement in subgroups?
Intention is no



"Liu, Goodwin" <Goodwin_Liu@ed.gov>

10/06/99 07:33:11 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: ESEA mark-up: Day 2

The House Committee on Education and the Workforce continued its mark-up of Title I today. Bipartisanship appears to prevail. The mark-up will continue tomorrow at 9 a.m. Here are today's highlights:

PASSED: Amendment by Rep. Payne restoring current law provision setting the poverty threshold for schoolwides at 50%, up from the bill's 40% poverty threshold. (Wow!)

PASSED: Amendment by Rep. Roemer authorizing a \$20 million innovative choice demonstration program to support high-quality public school choice initiatives. This is what we had proposed in Title V of our ESEA proposal. Upon passage, Chairman Goodling congratulated Mr. Roemer for "somehow managing to get my side of the aisle to vote in favor of a new \$20 million program."

DEFEATED: Amendment by Rep. Petri allowing States and LEAs to make Title I a "child-centered program," under which children in Title I schools would receive vouchers (worth the per-pupil Title I expenditure in the LEA) that may be used for public or private schooling, for tutorial assistance, or for other supplementary education services.

DEFEATED: Amendment by Rep. Schaffer generally allowing -- and, for LEAs with schools identified for improvement, specifically requiring -- LEAs to develop and implement choice plans that give students an option to transfer to private schools, but only if the State legislature approves public-to-private school transfers.

PROPOSED: Amendment by Rep. Souder requiring LEAs with schools identified for improvement to offer public school choice, unless State or local law prohibits it. This may open the door for LEAs to exercise wide discretion in structuring choice programs (e.g., giving students choice among certain schools within a zone instead of district-wide). Moreover, it is not clear whether the amendment language may be interpreted so far as to effectively erode the bill's mandatory choice provision. Stay tuned on this one....

DEFEATED: Amendment by Rep. Hoekstra allowing States and LEAs that already issue school report cards to disregard Title I requirements prescribing the content of such report cards.

DEFEATED: Amendment by Rep. Andrews allowing schoolwide programs to use

Title I funds to enhance services to pre-K children. Note that current law already allows schoolwides to serve pre-K children with Title I funds. The amendment sought to establish guidelines on the provision of such services.

PROPOSED: Amendment by Rep. Scott limiting LEA expenditures on transportation to 10% of Title I funds. Mr. Scott agreed to try to work this out without an amendment. No vote was taken.

Finally, a couple additional notes from yesterday's action:

PRIVATE SCHOOL BYPASS: The Castle/Kildee amendment, which passed, eliminates a bill provision that would have allowed bypass whenever private school children served by Title I funds fail to make satisfactory educational progress. Our concern here was that this provision would have made LEAs, not private schools, primarily if not wholly responsible for the education of private school students.

GRANDFATHER CLAUSE (clarification): In an earlier e-mail, I wrote that the Committee restored a current law provision allowing ineligible schools to receive within-district Title I allocations for one additional year, if they were eligible and received Title I funds the previous year. In fact, no such provision exists in current law, although it did exist pre-1994. We put the grandfather clause in our 1999 reauthorization proposal, and the Committee adopted it.

Message Sent To:

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John B. Buxton/OPD/EOP



"Liu, Goodwin" <Goodwin_Liu@ed.gov>
10/07/99 06:44:55 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: ESEA mark-up: Day 3

The mark-up continues -- and will continue next Wednesday, 10/13. No recorded votes were taken today. Roll the tape:

PROPOSED: Amendment by Rep. Roemer increasing Title I authorization by \$1.5 billion, from \$8.35 billion to \$9.85 billion.

PASSED (by voice vote): Amendment by Rep. Clay directing GAO to evaluate how waivers for schools and LEAs, as well as statewide waivers, granted pursuant to Ed-Flex affect student learning to high standards.

PROPOSED: Amendment by Rep. Martinez clarifying that historically underserved populations served by schoolwide programs include girls and minorities; requiring professional development activities to include strategies for identifying and eliminating gender, racial, and ethnic bias in instruction; and providing that optional professional development activities include training in equitable methods, techniques, and practices to meet the specific needs of girls and minorities.

PROPOSED AND WITHDRAWN: Amendment by Rep. Andrews requiring States to set aside 2.5% of Title I funds for school improvement and corrective action responsibilities. The amendment contained our language. Mr. Andrews conceded the lack of support for this proposal, but sought to call the Committee's attention to this omission in the bill.

PROPOSED: Amendment by Rep. Sanchez authorizing a \$50 million grant program to community-based, private nonprofit organizations to create "local family information centers" to provide training, information, and support for parents on how to participate in their children's education.

PROPOSED AND WITHDRAWN: Amendment by Rep. Woolsey requiring the Title I poverty formula to include a State-level cost-of-living adjustment, thus changing the distribution of funds among (but not within) States. After Members raised both equitable and technical arguments against the amendment, Ms. Woolsey conceded that her proposal was not "scientifically researched" and withdrew it, while expressing her hope that the bill, once it reaches the floor, will authorize a study of the implications of factoring cost-of-living into the Title I formula.

PROPOSED: Amendment by Rep. Mink reinstating the Women's Educational Equity Act.

PROPOSED: Amendment by Rep. Scott authorizing a \$50 million grant program to LEAs for truancy prevention. After Rep. Martinez shared an entertaining personal reflection on the possible over-reach of truancy prevention programs (apparently, his 5-year-old granddaughter was once tagged a truant), Mr. Scott withdrew.

PROPOSED AND WITHDRAWN: Amendment by Rep. Petri allowing private schools that serve high percentages of Title I students to create schoolwide programs and providing students in public or private schoolwide programs with vouchers that may be used to transfer to other public or private schoolwide programs. Needless to say, there was some doubt about the constitutionality of this proposal.

PROPOSED: Amendment by Rep. Woolsey requiring professional development activities to include training on math, science, and technology instruction specifically for girls and minorities.

PROPOSED AND WITHDRAWN: Amendment by Rep. Hinojosa authorizing \$1 million to create a national data system to keep track of migrant students' school records. Mr. Hinojosa withdrew this proposal after Chairman Goodling promised to try to get Mr. Hinojosa appointed to a national migrant education commission that could address this issue.

PROPOSED: Amendment by Rep. Hinojosa authorizing a Migrant Parent Advisory Council to advise the Secretary of Education on the implementation of migrant education programs.

PROPOSED: Amendment by Rep. Hinojosa authorizing \$150 million in grants to States by Title I formula for schools to develop and implement dropout prevention programs.

PROPOSED: Amendment by Rep. Schaffer requiring all Title I services in public schools to be "secular, neutral, and nonideological" -- the same requirement applicable to Title I services for private school children. This proposal sparked much debate. Unable to discern the amendment's intent, Democrats asked Mr. Schaffer if he was seeking to insert the federal government into the creationism/evolution debate or to have the federal government prohibit posting of the Ten Commandments in classrooms (!). It was unclear what the proposal would add to existing constitutional law on separation of church and state.

PROPOSED: Amendment by Rep. McIntosh limiting teacher liability for acts within the scope of their professional duties and consistent with local, State, and federal law. The language was somewhat confusing, and the Committee disagreed on its practical effects. The amendment's stated intent is to protect teachers from frivolous lawsuits, apparently by preempting State tort or anti-corporal punishment laws. Stay tuned.

PROPOSED: Amendment by Rep. Boehner eliminating programs for Native Hawaiian students.

~~CONFIDENTIAL~~

TECHNICAL ASSISTANCE ON HOUSE BILL REAUTHORIZING
THE ELEMENTARY AND SECONDARY EDUCATION ACT

DRAFT / September 30, 1999

TITLE I: PART A
BASIC PROGRAM

Recognition of Need

- Page I-3, lines 13-16: This provision could be read to support private school choice. We suggest that line 15 read "and should be given public school alternatives"

Authorization of Appropriations

- In providing specific appropriations for fiscal year 2000, rather than "such sums," the bill would lower funding for several initiatives. [* Is this still relevant?? *]

[* not sure where evaluation \$\$ went *] Because of the ongoing need to evaluate the effectiveness of Title I and strategies used to implement it, support for evaluation should be increased to \$10 million for fiscal year 2000.

- Page I-6, lines 15, 24: [* State admin: what is Part C now? *]
- Page I-7, lines 6-9: A 0.5% reservation for school improvement does not realistically reflect the level of resources needed to turn around failing schools. As the Administration has proposed, the bill should require states to reserve 2.5% of Title I funds for this purpose. At least 70% of the reserved funds would flow to LEAs, with first priority given to LEAs with schools identified for corrective action and second priority given to LEAs with schools identified for improvement. Alternatively [* ? *], we are willing to provide technical assistance on a policy that would allow states to reserve up to 0.5% for developing statewide systems of technical assistance, while requiring each state to provide LEAs with an amount of Title I funds sufficient to turn around low-performing schools. With state consultation, LEAs would identify such schools and would develop intervention strategies consistent with Title I school improvement and corrective action requirements. Moreover, school improvement funds should be defined as a share of not only Title I, Part A funds, but also funds for migrant education and neglected or delinquent youth programs.

Standards and Assessments

- Page I-9, line 22 page I-10, line 8: The bill renames the third level of proficiency "basic"

DETERMINED TO BE AN
ADMINISTRATIVE MARKING
INITIALS: RLC DATE: 11/12/10
2011-0103-S

instead of "partially proficient" and introduces a fourth level of proficiency, "below basic." This threatens to frustrate Title I implementation in states that have developed or are developing assessments aligned with the three-tier performance standards prescribed by current law. New performance standards will force many states to redesign their assessment systems and, in turn, their accountability systems. If the intent is to classify student performance into four categories, then no departure from current law is needed. The Department and the States have interpreted the three performance levels under current law as thresholds, each of which defines a group of students above and below the threshold. Massachusetts, for example, has developed a comprehensive assessment system with three performance levels that classify students into four categories: "advanced," "proficient," "needs improvement," and "failing."

- Page I-19, lines 4-18: The exception to the three-year rule (beginning on line 15) should be deleted because it undermines institutional accountability for helping students learn English. Moreover, this section should include the Administration's proposed requirement that states provide tests in Spanish to Spanish-speaking students with limited English proficiency, if such tests are more likely than tests written in English to yield accurate performance data in content areas other than English.
- Page I-27, lines 1-20: These provisions prescribing penalties for failure to implement standards, assessments, and accountability systems on time are more specific than the general withholding authority given to the Secretary on page I-10, lines 17-22. The approach on page I-27 is sensible. To eliminate confusion, the provision on page I-10 should be deleted, or the words "under subsection (g)" should be added after "determines" on line 22.
- Page I-27, line 24page I-28, line 2: States may already seek waivers through the general waiver provisions of current law. This provision would only increase applications for waiver, thus delaying Title I implementation. It should be deleted.

Adequate Yearly Progress

- Page I-10, line 24page I-11, line 16: This provision requires state plans to demonstrate what constitutes adequate yearly progress of schools, LEAs, and states. But pages I-11 to I-14 go on to clearly and specifically define what constitutes adequate yearly progress of schools, LEAs, and states. Apart from what the statute explicitly requires, what more must state plans demonstrate?
- Page I-13, lines 15: Because "promotion" may include social promotion, and because several states are developing accountability systems that end social promotion, "promotion" should not be included in the list of "other academic measures." Alternatively, the term should be rephrased as "promotion based on learning to state standards."
- Page I-13, lines 7-13: This exception should be deleted. It unnecessarily constrains states in their development of single statewide accountability systems for Title I and non-Title I schools. While making clear that statewide assessments are the primary basis

for evaluating adequate yearly progress, the bill should give states the flexibility to take “other academic measures” into account, even if this alters the number or percentage of schools or LEAs subject to improvement or corrective action. Moreover, how is the exception supposed to work? If a state decides, based on “other academic measures,” that a school or LEA otherwise subject to improvement or corrective action has made adequate progress, must the state identify another school or LEA *not* otherwise subject to improvement or corrective action in order to preserve “the number or percentage” of schools or LEAs otherwise subject to improvement or corrective action?

- Page I-13, lines 14-18: This provision requires schools to show improvement every year in the performance of every subgroup specified on page I-12, lines 8-14 and to narrow performance gaps between subgroups every year. While we agree that accountability for improved performance among all groups is important, this approach is problematic for three reasons. First, as a statistical matter, year-to-year fluctuations in student performance data do not necessarily reflect true fluctuations in performance. To account for this, adequate progress should be defined more flexibly in terms of “continuous and substantial gains,” as the Administration has proposed. Second, because it is somewhat draconian to identify schools for improvement or corrective action if they fail to narrow performance gaps and to demonstrate improvement by *every* subgroup *every* year, this provision will lead many states to develop dual accountability systems—one for Title I schools, another for non-Title I schools. It makes more sense to define adequate progress by reference to gains in both overall student performance and the performance of low-achieving students, consistent with the Administration’s proposal. Third, this provision will cause thousands of schools to be identified for improvement, thus triggering mandatory public school choice on a massive scale (page I-75, line 6) and inevitably diverting attention and resources from turning around failing schools.
- Page I-12, line 8; page I-13, lines 16-18: Must schools narrow performance gaps between boys and girls every year? This requirement may have unintended consequences, given the evidence that in math, for example, girls out-perform boys until middle school, after which boys typically out-perform girls. Although schools should track gender-based performance gaps, the bill should focus efforts to narrow performance gaps on gaps attributable to curricular or instructional inadequacies.
- Page I-14, line 13: The 90% requirement means that any LEA with less than 10 schools cannot demonstrate adequate yearly progress unless 100% of its schools demonstrate adequate yearly progress. Again, this will lead many states to develop dual accountability systems. The bill should incorporate the more flexible accountability provisions proposed by the Administration.
- Page I-14, line 19: The 90% requirement sets too low a benchmark for the overall percentage of students from all populations who should take the assessments. In addition to the 90% requirement, this provision should specify that 95% of students overall must take the assessments. The 95% figure provides sufficient flexibility for schools with substantial numbers of students (e.g., severely disabled students) for

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whom the assessments may not yield accurate or reliable performance data.

School Report Cards

- Page I-28, lines 10-11; page I-29, lines 14-15; page I-31, line 24page 32, line 1: The bill requires state, district, and school reporting on student performance only in Title I schools and districts. Such a limited requirement provides no way to compare Title I schools with other schools in the state or district, and does not encourage states to develop single statewide accountability systems. The bill should require reporting for all schools in the state.
- Page I-29, lines 18-19: To ensure that all children are held to the same high academic standards, the bill should require reporting on student performance in content areas other than math and reading, if states have standards and assessments in other areas.
- Page I-31, lines 16-17: The bill should require schools to report data on school safety and class size, since these are among the items parents most want to see on school report cards.

LEA Plans

- Page I-36, lines 24-25; page I-37, lines 4-5: Focusing on "low-achieving children" might be read to suggest different standards for low-achieving children. These amendments should read: "all children, particularly low-achieving children." [* ? *]
- Page I-37, lines 12-22: Requirements for assessing first grader literacy do not ensure that such assessments provide the most accurate data on the literacy of LEP students. After line 22, the following language proposed by the Administration should be inserted: "(iii) administered to students in the language most likely to yield valid results."
- Page I-43, lines 11-20: The bill nowhere requires peer review for state approval of LEA plans. Implementation of current Title I plan requirements and reviews of state standards and Goals 2000 state plans indicate that review by teams of teachers, parents, administrators, and other education experts improves the quality and perceived legitimacy of feedback, and dramatically improves program implementation. Consistent with the Administration's proposal, the bill should require peer review of LEA plans.

Targeting: Eligible Attendance Areas and Local Allocations

- Page I-48, line 10: After this line, the bill should include a grandfather clause to ensure continuity and fiscal stability for schools that had received Title I funds the previous year. The following language proposed by the Administration should be added: "designate and serve a school attendance area or school that is not eligible under

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subsection (b), but that was eligible and that was served in the preceding fiscal year, but only for one additional fiscal year.”

- Page I-49, line 12page I-50, line 11: [*** Bill now follows current law below 75%. Wouldn't a middle threshold target better? Above 75%, we had proposed strict rank ordering without regard to grade span. ***]
- Page I-53, lines 10-14: This provision should make clear that funds must be allocated “in rank order” and that no higher poverty school may receive a lower per-pupil allocation than a lower poverty school.
 - Page I-54, line 13: To ensure that homeless children are served by Title I, the clause “where appropriate” should be deleted.

Schoolwide Programs

- Page I-55, line 2: The bill omits improvements proposed by the Administration to clarify the purposes of schoolwide programs—namely, to enable high-poverty schools to upgrade their entire educational program and to help ensure that all children in such schools, particularly those most at risk of educational failure, meet challenging state standards.
- Page I-55, line 9: The bill reduces the poverty threshold for schoolwides to 40%. To ensure that Title I funds support schoolwide programs specifically in schools where, according to educational research, the level of poverty negatively affects the educational achievement of all students, the threshold should remain at 50%.
- Page I-55, lines 13-20: The bill should require LEAs to subject schoolwide plans to peer review, consistent with the Administration’s proposal.
- Page I-57, line 22page I-62, line 10: The bill omits modifications proposed by the Administration to clarify the three essential components of effective schoolwide programs—a comprehensive needs assessment, a coherent design to improve teaching and learning throughout the school based on the needs assessment, and regular review for purposes of improvement.

Page I-58, line 5: The comprehensive needs assessment should include other factors that affect teaching and learning in the school. These lines should read: “. . . that is based on information including, but not limited to, the performance of children”

Page I-59, line 18: The words “high-quality and ongoing” should be added before “professional development.”

Page I-60, lines 15-23: This provision should also provide for teacher-parent conferences to discuss student difficulties, and it should suggest what interventions (e.g., one-on-one tutoring, before- or after-school programs, summer school) schools and parents should undertake to address difficulties.

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Page I-63, lines 12-14: Instead of requiring “review[] . . . as necessary” of schoolwide plans, this provision should include a clear requirement for *regular* review of each school’s progress toward implementing schoolwide programs and achieving student achievement goals.

School Choice

- Page I-70, lines 2-9: We read this language to confine choice programs to pupil transfer among public schools only. If congressional intent is ambiguous on this point, the following language should be added: “A local educational agency may not use funds under this part to develop or implement school choice programs that encourage, facilitate, or otherwise provide for pupil transfer from public schools to private schools.”
- Page I-70, line 10: The choice plan should include the provision (section 1115A(b)(4)) in current law requiring LEAs to describe how schools will provide individual student assessment results to parents. This provision promotes accountability for the achievement of disadvantaged students, whatever school they attend.
- Page I-70, line 13: Who are “eligible students”? Do LEAs have total discretion to define eligibility?

School Improvement and Corrective Action

- Page I-75, line 7; page I-76, line 4: Requiring LEAs to develop public school choice options for students in schools identified for improvement seems impracticable given the large number of schools that will be identified under the bill’s rigorous definition of adequate yearly progress. Moreover, this requirement would divert the attention and resources of LEAs from assisting low-performing schools—at precisely the time (within 18-months) when school improvement efforts are most needed and may begin to show results. A more sensible approach is to require school choice when a school has been identified for corrective action.
- Page I-78, line 12: This provision should require LEAs to subject plans for school improvement to peer review.
- Page I-80, line 7; page I-89, line 9: Consistent with emerging research on the time it takes to turn around low-performing schools, the bill should require corrective action after the end of three, not two, years following school or LEA identification for improvement, as the Administration has proposed.
- Page I-82, lines 6-14; page I-91, lines 18-25: These exceptions allowing for delay of corrective action should be deleted.
- Page I-91, line 25: After this line, there should be a provision specifying when states may remove LEAs from improvement status—presumably when an LEA, for at least

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two out of three years following its identification for improvement, has made adequate yearly progress.

Paraprofessionals

- Page I-104, lines 5-6: Paras only need to meet “a rigorous standard of quality.” Not sure what this means, except that it requires more than a high school diploma or GED. They deleted state or local certification. Not sure who defines “a rigorous standard of quality,” but based on the language, it looks like LEAs get to define. Suggests that there won’t be uniformity in rigor within each state.
- Page I-106, lines 13-14: Allows paras to provide “instructional services.”
- Page I-106, line 19: Direct teacher supervision is required only when paras provide instructional services. Our proposal requires such supervision when paras provide one-on-one tutoring, assist with classroom management, or provide assistance in a computer laboratory.
- Page I-106, lines 21-25: Why is only reading subject to this stricter requirement? Shouldn't math or writing instruction also be included?

Professional Development

- Page __, lines __: This section should more clearly endorse activities that involve collaborative groups of teachers and administrators from the same school or district and, to the greatest extent possible, include follow-up and school-based support such as coaching or study groups.
- Page __, lines __: To ensure that children most at risk of educational failure have high-quality teachers, the bill should require LEAs to reserve 5% to 10% of their Title I funds for on-going professional development, as the Administration has proposed.

Private Schools

- Page I-52, line 1: Before requiring extrapolation of survey data, there should be some safeguards to ensure that the resulting number would be reliable (e.g., the number of surveys returned was sufficient to permit extrapolation, the surveys returned represent the school population as a whole). Otherwise, the count of low-income children may be artificially high or artificially low.
- Page __, line __: Requiring consultation with entities “by whom” the services to private school children will be provided implies that an LEA must discuss the specific employees who will provide services.
- Page __, lines __: This provision would require private school officials to sign a written affirmation that consultation has occurred. It could be construed as giving private

school officials a veto over the services to be provided if they are in any way dissatisfied.

- Page __, lines __: By authorizing a bypass if a single private school child has "failed to make satisfactory progress in those subjects for which the child receives title I services," the bill makes LEAs wholly responsible for meeting the educational needs of children who attend private schools. Given the difficult questions this raises concerning where an LEA's obligation ends and where the private school's begins, we oppose this provision.

Comparability of Services

- Pages __: The bill proposes no amendments to the comparability of services requirement in section 1120A of current law. As the Administration has proposed, this section should be amended to strengthen the quality of inputs to be examined in ensuring intra-district school comparability. Such inputs should include teacher qualifications, school safety conditions, and accessibility to technology, among others.

Amounts for Grants (Title I formulas)

Outlying Areas and the Secretary of the Interior: Pages 101-03 set out instructions for allocating a 1% set-aside from Title I LEA Grants for the Bureau of Indian Affairs and the Outlying Areas. These provisions also include a \$5 million reservation from the Outlying Areas share for islands that are not U.S. territories but are "freely-associated states."

- Page __, lines __: After September 30, 2001, the number of entities that would be eligible to receive funding under the 1% set-aside drops from seven entities to the four Outlying Areas (American Samoa, Guam, Northern Marianas, and the Virgin Islands). The Outlying Areas should not receive the resulting windfall, since they are already well-provided for under the 1% set aside. Therefore, language on line 7 should be changed to reserve a total of *up to* 1%.
- Page __, lines __: Since the bill terminates eligibility to the freely associated states after September 30, 2001, the four Outlying Areas would be the sole eligible entities for competitive grants. The competitive grant program should be repealed as of that date, since having two different funding mechanisms (formula grants and competitive grants) for the same four entities makes no sense and creates unnecessary burden.
- Page __, lines __: Unlike current law, the bill would not allow the Outlying Areas to consolidate Title I funds, and it would require funds to be used for Title I purposes, not for broader purposes under ESEA. Is the intent to have the Outlying Areas, some of which receive only small amounts of funds, meet all Title I accountability requirements?

Amounts for Basic Grants, Concentration Grants, and Targeted Grants: Title I provides funds to high-poverty LEAs, which have the furthest to go to help children meet high

standards.

- Page __, lines __: Because this provision would significantly decrease the amount of funds allocated as Targeted Grants, it should be reconsidered. The proposed allocation formula would authorize substantial annual increases in Basic Grants, which spread funds thinly across high- and low-poverty LEAs. Meanwhile, Targeted Grants would receive only 50% of any increase in Title I LEA Grants above the FY 1999 level. In contrast, the Administration's proposal would allocate substantial funds through the Targeted Grants formula, which distributes funds more fairly by providing higher per-child amounts to higher-poverty LEAs and lower per-child amounts to less poor LEAs.
- Page __, lines __: By guaranteeing Title I funds to LEAs that do not meet the eligibility thresholds for four additional years under the Basic, Concentration, and Targeted formulas, this provision would drastically reduce increases in funding to all eligible LEAs. It would prevent retargeting of Title I funds to LEAs that are newly eligible for funds or that are experiencing substantial increases in poverty. For example, with the use of new 1999 poverty data, 1,626 LEAs were newly eligible for Title I funding, and 1,732 LEAs had insufficient poverty to meet the criteria for eligibility. Continuing funding to the 1,732 ineligible LEAs for four additional years severely reduces funding to the newly eligible LEAs and could leave them with nothing at all in the event that the Title I appropriation is not substantially increased each year. Moreover, the provision circumvents targeting under the Concentration and Targeted formulas that are specifically designed to provide money to the highest poverty LEAs. Although funding for each formula is typically earmarked in appropriations language, this authorizing language undermines targeting of funds where the needs are greatest.

"Scientifically based research"

- The term "scientifically based research" is broadly used in this bill. This term has a specific definition in the provisions authorizing Comprehensive School Reform Demonstration programs and in the provisions of current law authorizing reading and literacy grants (Title II, Part C). In particular, research qualifies as "scientifically based" only if, among other things, it "has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review." This definition would render virtually impossible the implementation of many Title I provisions. In the following areas where the term "scientifically based research" occurs, the bill should require or encourage (as appropriate) that programs, plans, reforms, or strategies simply be "research-based."
 - Page I-1, lines 16-17 (effective educational strategies).
 - Page I-37, line 20; page I-40, lines 8-9 (LEA plans).
 - Page I-58, line 16 (schoolwide reform strategies).
 - Page I-67, lines 5-6 (targeted assistance programs).

- Page I-77, lines 4-5 (school improvement plans).
- Page I-78, lines 22-23; page I-79, lines 14-15 (LEA-provided technical assistance to schools identified for improvement).
- Page I-82, lines 2-3 (LEA-prescribed corrective action for schools).
- Page I-87, lines 1-2 (LEA improvement plans).
- Page I-109, lines 14-15; page I-110, line 1 (required professional development activities).

Comprehensive Technical Assistance Centers

- Page 43, line 18; page 66, lines 8-9: References to these centers should be deleted. These centers should not be reauthorized because [*** why? ***]

Comprehensive School Reform Demonstration Programs

- Page I-D-11, line 13: Support should be increased to \$200 million, the fiscal year 2000 request.

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TITLE I: PART D
NEGLECTED OR DELINQUENT YOUTH

TITLE III
INDIAN EDUCATION

“Indian Flex” Authority

- Page 17, lines 3-13: This provision creates a new “Indian Flex” authority that could open a back door to bigger consolidation and that could create a substantial administrative and reporting burden for the Department of Education [* ? *]. The proposal permits integration of services for programs serving Indian students in *any* LEA that receives funds under the Indian Education program. [*** How many schools? ***] Thus, a small amount of money under the Indian Education program could trigger a consolidation involving much larger programs such as Title I. [*** specific ways that consolidation produces less accountability? ***] In BIA schools, Indian Education formula money may already be consolidated.

TITLE IV
MAGNET SCHOOLS

- Page 8, line 3: This changes section 5106(b)(2)(B) from “State certified or licensed teachers” to “fully qualified teachers (as described in section 1119).” The current statutory language—“State certified or licensed teachers”—should be retained because it is more specific and answers the question of what “fully qualified” means without the awkward reference to another title.
- Page 9, line 8: This retains the statutory priority for need for assistance in section 5107. This priority should be eliminated, as the Administration has proposed, because [*** *]. However, if the provision is retained, it should be amended by striking the words “the expense or” after the words “based on” (line 9). This change would invite discussion of other difficulties inherent in implementing approved desegregation plans, while still permitting applicants to raise expense as an issue, where appropriate.

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**TITLE VII
GIFTED AND TALENTED**

**TITLE VIII
RURAL EDUCATION**

Subpart 1 – Small and Rural School Program

Alternative Uses of Funds: Section 10961 would authorize small, rural LEAs, upon notifying SEAs of their intent, to consolidate funds from the Class Size Reduction, Eisenhower Professional Development, Safe and Drug Free Schools, and Innovative Education Program Strategies programs. Without much accountability [* ?? *], LEAs could use these funds for local or statewide education reform efforts to improve academic achievement and the quality of instruction in elementary and secondary schools.

- Page 2, lines 19-25: The language allows eligible LEAs to use applicable funds to support State and local education reform efforts, but does not make clear whether LEAs would be able (1) to consolidate the funds from the four applicable programs or (2) to use those funds for activities that are not otherwise authorized. The proposal also does not require LEAs to provide SEAs with plans for how they would use funds to improve student achievement or the quality of instruction.
- Page 3, lines 9-21: This provision would make eligible an LEA that (1) serves fewer than 600 students, (2) serves only schools in communities with a United States Department of Agriculture Rural-Urban Continuum Code of 6, 7, 8, or 9, or (3) receives a waiver of the criteria from the Secretary to use applicable funding to support State or local reform efforts. The language regarding a “community” is problematic because the Rural-Urban Continuum Code applies to counties not towns, and an estimated 2,600 LEAs would be eligible [* compared to what # currently? *]. In addition, determining which schools served by the LEA are in communities with the appropriate code would be confusing and burdensome on States.

Formula Grants to Small, Rural Districts: Section 10962 would authorize grants of \$100 per student or \$20,000, whichever is greater, to LEAs that meet the same criteria for using applicable funding.

- Page 5, lines 17-23: The Secretary would award an eligible LEA an amount equal to \$100 per student or \$20,000, whichever is greater, minus the amount the LEA receives from the Class Size Reduction, Eisenhower State Grants, Safe and Drug Free Schools, and Innovative Education Program Strategies programs in that fiscal year. This provision would be impossible for the Department to implement without collecting substate allocation data from the states, since the Department does not make the allocations for the affected programs directly to LEAs. To implement the formula, states would have to provide the Department with substate allocation amounts within a timeframe that may not be possible. In addition, the proposal would reduce the amount of awards to LEAs that did not use their applicable funding for

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alternative uses.

- Page 6, lines 7-14: In any fiscal year in which the amount of the appropriation is not sufficient to provide LEAs with their full award, the Secretary would be required to ratably reduce the amount of awards. As drafted, it is unclear whether all LEAs would have their amount of award reduced, or only those LEAs that receive an amount above the minimum.
- Page 6, lines 21-25: An LEA desiring to receive an award would have to conduct a census, by December 1, of the average daily attendance in grades K-12. The language is unclear as to whether the intent is to determine the average daily attendance for the LEA over a period of time, or to determine the attendance on one particular day before December 1.
- Page 8, lines 6-20: An LEA that receives or uses funds under this subpart would have to administer the test used statewide to assess the academic achievement of students in the LEA. In the absence of a statewide test, the LEA would have to select a test to assess student achievement. An LEA also would be required to use the same test in each year it participated in the program. The language does not contain any references to the tests or performance standards required under Title I. The language regarding the use of the same test for all five years of participation would seem to mean that an LEA in a state that adopted a statewide assessment after its first year of participation in the program would have to relinquish its award under this section in order to be in compliance with Title I.
- Page 9, lines 5-21: An SEA would be required to determine whether, after five years of participating in the program, the academic achievement of students in the LEAs had increased. An LEA that demonstrated increased academic achievement would be eligible to continue to participate in the program for an additional five years. An LEA that failed to demonstrate gains in academic achievement would be unable to participate in the program over the ensuing five years. These accountability provisions are considerably weaker than those contained in Title I. For example, there are no provisions for disaggregating data, closing the achievement gap between high- and low-achieving students, and reporting the data publicly. Even though the Secretary would be making awards to districts, it would be states that determine continued participation.

Subpart 2 – Low-Income and Rural School Program

Subpart 2 would authorize a state formula grant program to provide subgrants to poor, rural districts. In states that choose not to participate, the Secretary would be authorized to make awards directly to eligible LEAs.

- Page 10, lines 15-24: The Secretary would allocate to each state its share of funds based

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on the number of children served by eligible districts within the state. An eligible district is one with: (1) at least 20 percent of the children it serves residing in households with incomes below the poverty line, and (2) a Rural-Urban Continuum Code of 6, 7, 8, or 9. The language contained in the bill describing the method of allocation is poorly drafted. As written, Connecticut, Rhode Island, and New Jersey would not receive any funds under this program, and the language does not address allocations for rural areas in Hawaii and Puerto Rico. Moreover, it would be difficult and burdensome for SEAs to determine LEA eligibility. Many LEAs serve students from more than one county; the proposal contains no means for States to adjust poverty counts in LEAs to account for this.

Furthermore, this subpart contains no real accountability provisions. States desiring to receive a grant must apply to the Secretary and provide such information as the Secretary may require. States must also provide specific measurable goals and objectives, and report annually on the method they used to allocate funds, how LEAs used the funds, and progress made within the state toward meeting the goals and objectives contained in the application. However, as with Subpart 1, the proposal contains no requirements to disaggregate data or close the achievement gap between high- and low-performing students; no provision allowing states to terminate awards to districts that fail to make significant progress toward their goals or objectives; and no provisions authorizing the Department to withhold funds from states or districts that receive awards directly from the Department that fail to make sufficient progress.

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TITLE IX
HOMELESS EDUCATION

- Page 5, line 18: The bill would require the Secretary to transfer 1% of the appropriation to the Bureau of Indian Affairs (BIA). At the FY 1999 level of funding, this would require the Department to reserve \$288,000 for the BIA, nearly tripling the BIA's award. (In the last few years the Department has given BIA \$100,000, which is the minimum allocation.) The bill should simply authorize the Secretary to reserve up to 1%.
- Page 8, line 20: States that established segregated schools for homeless children prior to enactment of this bill would remain eligible to receive funds for those schools. This would, potentially, have the impact of "grandfathering" in segregated schools that are already in operation. This section should be deleted. The Department is opposed to providing assistance to schools that separate homeless students from the mainstream school environment.

DRAFT
OCTOBER 1, 1999
5:00 PM

Honorable William F. Goodling
Chairman, Committee on Education and the Workforce
U. S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am writing to express my views on the "Students Results Act of 1999," your pending substitute for H.R. 2, which I understand your committee will soon mark up as you continue work on reauthorizing the Elementary and Secondary Education Act of 1965 (ESEA). I am pleased that the substitute focuses on some of the same themes, such as high standards for our schools and children, accountability for results, and increased quality of teachers, that shaped the President's ESEA proposal, the Educational Excellence for All Children Act of 1999. These are the right issues on which to focus our attention as we help States and local school districts translate the promising work of standards-based reform into increased student achievement in the classroom for all our students.

I am disappointed, however, that in several key areas, the pending substitute heads in the wrong direction. I urge the committee to correct these flaws in the bill at the upcoming mark-up. My major concerns with the bill are as follows:

**ESEA, TITLE I - HELPING DISADVANTAGED
CHILDREN MEET HIGH STANDARDS**

Accountability. The bill's provisions relating to such items as standards for what students should know and be able to do, the tests they are given, the benchmarks for their progress, and school and school district report cards could return us to the days of separate accountability systems -- one system for Title I students and schools, and another system for other students and schools. Experience over many years teaches us that Title I students, who stand most to benefit from being held to high standards, lose out in terms of attention and resources when States and school districts have lower expectations and set lower standards for them than they do for other students.

Moreover, a dual accountability system could easily cause a loss of momentum in many States that have made a great deal of progress toward a unified accountability system since Title I was last reauthorized in 1994. The bill could undo this progress and cause potentially lengthy delays as States go back to the drawing board.

School improvement. A vital component of an effective accountability system is ensuring that resources are quickly made available to help turn around low-performing schools. The President's bill would therefore require each State to reserve 2.5 percent of its annual Title I allocation (increasing to 3.5 percent in fiscal year 2003) for this purpose,

including a requirement to allocate at least 70 percent of these funds directly to the school districts that need them most, with the remainder used to fund a State support system to improve individual schools and districts. This provision, which should be added to the pending bill, would provide the resources for swift, intensive intervention, such as expert consultation and in-depth teacher training in schools and districts identified as in need of improvement, and for stronger corrective actions where initial interventions fail to show improvement.

Treatment of children with limited English proficiency. The bill fails, in several respects, to ensure that limited-English-proficient (LEP) children receive the full benefit of Title I services and achieve to high academic standards. Proposed section 1112(g), for example, would prohibit a school district from providing a LEP child any "English language instruction" using Title I funds until it obtains the parent's consent for that instruction. While I am a strong supporter of parental involvement and decision-making, this provision will result in delay and denial of critical services in cases where parents, for a variety of reasons, simply don't respond to requests for their consent.

The bill should include language from the President's proposal to require the use of tests written in Spanish when testing Spanish-speaking LEP children, if Spanish-language tests are more likely than English-language tests to yield accurate and reliable information on what those students know and can do in subjects other than English (such as math and science), in order to ensure that these children are actually being assessed on their knowledge of the subject matter. On the other hand, given the importance of learning English quickly, I object to the bill's provision that would provide a 1-year grace period for the use of English-language tests to assess the reading or language-arts skills of students who have attended schools in the United States for three consecutive years. After three years, schools should be held accountable for these students' achievement in English.

For similar reasons, each school district's Title I plan should include an assurance, as proposed by the Administration, that the district will annually assess the English proficiency of all LEP children served in its Title I program, so that it can use the results to improve instruction and to provide helpful information to parents.

Finally, I am pleased that the substitute incorporates our proposal that, in describing any student assessments that it uses (other than those required by the State) in its Title I plan, a school district must describe any tests it will use to determine the literacy level of first graders, and how it will ensure that any such tests are developmentally appropriate and use multiple measures. However, the bill should also include the Administration's proposal that any such tests be administered in the language most likely to yield valid results, to ensure that the district is obtaining an accurate measure of the child's level of literacy.

Targeting. The President's proposal calls for improved targeting to concentrate Title I funds more intensively on the high-poverty districts and schools that have the farthest to go to raise student achievement and the greatest need for funds. Currently, most Title I

funds are allocated as Basic Grants under section 1124 of the ESEA, which spreads funds thinly across school districts with both high and low rates of poverty. Weak targeting leaves the poorest districts with insufficient funds to serve all of their high-poverty schools, while other, lower-poverty, districts can serve schools with much smaller percentages of children from poor families.

To address this problem, the President's bill proposes to allocate substantial funding through the Targeted Grants formula under section 1125 of the ESEA, which distributes a larger share of Title I funds to higher-poverty districts than occurs with Basic Grants. In contrast, the pending substitute would undermine targeting to the poorer districts by authorizing substantial annual increases in Basic Grants.

Moreover, the House bill would prevent the needed retargeting of Title I funds to districts that, because of increases in poverty, are newly eligible for Concentration Grant funds under section 1124A of the ESEA, because it would guarantee that other districts continue to receive their Concentration Grant allocation for four years after they lose their eligibility. Title I funds should flow to where the poor children are now, not to where they were several years ago.

Paraprofessionals. Given the substantial achievement gaps that often exist between Title I students and non-Title I students, and the extensive use of paraprofessionals in Title I programs, it is critical that paraprofessionals perform only the duties for which they are qualified. Accordingly, we have proposed that Title I paraprofessionals not carry out instructional duties, except for one-on-one tutoring, classroom management, and assisting in a computer lab, and even then only if they have completed at least two years of college. I therefore strongly object to language in the pending substitute that would permit instruction of Title I students by paraprofessionals who do not have at least two years of college, and would permit them to perform the full range of instructional duties, including classroom teaching.

Schoolwide programs. I am pleased that the bill would incorporate some of the Administration's proposals to strengthen schoolwide programs under Title I, which can be a highly effective way to help students in high-poverty schools meet high performance standards. I also support retaining current section 1114(b)(4)(A) of the ESEA, which permits the Secretary of Education to exempt schoolwide programs from statutory and regulatory requirements of the programs we administer, so long as the intent and purpose of those programs are met, but that expressly bars exempting such requirements under the Individuals with Disabilities Education Act (IDEA). I strongly object to the bill's removal of this bar, which would thus permit waivers of IDEA requirements as they apply to children with disabilities attending schoolwide programs. These children should not risk losing vital IDEA protections, such as their statutory right to individualized education programs and due process, because they attend a Title I school with a schoolwide program.

Comparability of services between Title I and non-Title I schools. The bill should include the Administration's proposal to strengthen the "comparability" provisions of

section 1120A(c) of the ESEA, by requiring that, by July 1, 2002, districts ensure comparability between Title I and non-Title I schools with respect to teacher qualifications, curriculum and course offerings, and the condition and safety of school buildings. These factors, which address the quality of educators and programs, would capture the concept of comparability more fairly and thoroughly than current law, and are important if we are to be serious about helping all children, including children in high-poverty schools, meet challenging State standards.

Private school bypass. I object to proposed section 1120(d)(2) of the ESEA, which would permit a private school to request the Department of Education to step in and replace a local school district's provision of Title I services if a child in that school fails to make satisfactory progress in subjects in which he or she is receiving those services. This approach falsely assumes that the primary responsibility for the child's educational performance rests with the school district, rather than with the private school the child attends. It should be deleted.

INDIAN EDUCATION

Proposed section 9116 of the ESEA would permit school districts that receive Indian education formula grants under Title IX-A of the ESEA to consolidate all Federal funding that they receive on a formula basis, from any Federal agency, into a single program, subject to several pages of conditions and requirements at both the local and Federal levels. While I support flexibility and the integration of services, this particular approach is unduly cumbersome and ill-conceived. Current law provides adequate authority for these districts to integrate their Title IX-A funds with other programs, in order to address the needs of their Indian students in a comprehensive fashion. Current section 9114(b), for example, which the bill would retain, already requires school districts applying for these funds to include in their applications a comprehensive program for meeting the needs of Indian children that explains how Federal, State, and local programs, especially under Title I, will meet those needs.

MAGNET SCHOOLS

While I am pleased that the bill would extend the authority for the magnet schools program, I am troubled that the bill would delete current section 5106(c) of the ESEA, which requires the Department's Office for Civil Rights (OCR) to determine, before a grant can be made to a school district, that the district will, in fact, meet the civil rights assurances included in its application. I believe that OCR review of these assurances is important for this particular program, which assists school districts that are desegregating.

RURAL EDUCATION

I applaud the committee for recognizing the special needs of, and challenges facing, our rural communities and their schools. I do not believe, however, that we need new ESEA programs that are exclusively focused on rural areas, particularly like the overly

complicated proposal for a new Part J of Title X proposed in the bill. It's not at all clear that that proposal would achieve its apparent objective of reducing administrative burdens or increasing flexibility for rural districts. Moreover, rural areas fully benefit from the programs already in place, many of which include specific provisions, such as those on geographic distribution of funds, designed to address their needs, and they are eligible to seek waivers of Federal requirements on the same basis as other districts are.

I urge the Committee to work with the Administration to address the concerns I have expressed and to approve a bill that more closely reflects the President's proposal for reauthorizing the ESEA. I also look forward to reviewing other portions of the Committee's ESEA reauthorization effort, such as those relating to bilingual education, the Women's Educational Equity Act, and the ESEA general provisions, that are not included in the pending substitute.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Yours sincerely,

Richard W. Riley

October 5, 1999

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: Bruce Reed
Andrew Rotherham

SUBJECT: Education Accountability Strategy

While most of our education reform agenda will be bound up with ESEA reauthorization next year, we should press for accountability measures as part of this year's appropriations as well. This memo lays out our accountability agenda and outlines our options for injecting it into the budget debate.

I. Overview

In the State of the Union, the President proposed an Education Accountability Act (which we sent Congress in May as part of our omnibus ESEA bill) conditioning federal education assistance to states and school districts on five basic steps:

1. **Turning around failing schools** by setting aside 2.5 percent of each state's Title I allocation for an accountability fund to intervene in and turn around or close failing schools. The President's FY2000 budget request includes \$200 million in Title I for this accountability fund.
2. **Improving teacher quality** by ending the practice of hiring emergency certified teachers and out-of-field teaching. Our proposal would require that within four years at least 95 percent of a state's teachers must be fully certified or working toward certification through an alternative route. States would also have to ensure that at least 95 percent of secondary school teachers have academic training or demonstrated competence in the field they teach.
3. **Increasing public accountability through school report cards** by requiring states, school districts, and schools to furnish parents with school report cards that include information on student achievement (disaggregated where appropriate), teacher qualifications, class size, and school safety.
4. **Ending social promotion and grade retention** within 4 years by ensuring that states hold students accountable for subject mastery at key transition points, including high school graduation. States would be required to provide educational supports to ensure students meet challenging academic standards.
5. **Improving school discipline** by requiring that states hold school districts accountable for implementing sound discipline policies.

II. Accountability and Appropriations

Most of these elements will be difficult to achieve through the appropriations process, for three reasons. First, the Republican leadership dislikes our accountability agenda perhaps even more than our spending programs. Their approach to education policy is based on block grants, local flexibility, and a smaller federal role. Second, Republicans will be under even more pressure than usual not to authorize on appropriations, given how angry authorizers were that we got class size that way last year. This year, the leadership has the additional excuse that Goodling and Jeffords are in the midst of reauthorizing ESEA. Finally, our traditional allies in this budget battle – Hill Democrats and the education groups – support some elements of our accountability agenda, but not with our level of enthusiasm.

Nevertheless, we can and should press our case in a few areas:

1. Accountability Fund for Failing Schools: The most important element of our accountability agenda – and perhaps the only one with any realistic chance of being enacted as part of this year's appropriations – is our fund to turn around failing schools. In theory, our accountability fund for Title I should win bipartisan acceptance, because (1) virtually everyone across the spectrum – from George W. Bush in Texas to Jim Hunt in North Carolina to the civil rights community – agrees that we should target failing schools; (2) we're earmarking new money, not changing existing formulas; and (3) even Congressional Republicans concede that the federal government has a right to expect accountability in Title I schools. But so far, neither House nor Senate version of the Labor/HHS bill includes our set-aside for accountability. The House bill funds Title I at last year's level; the Senate bill includes a \$320 million increase (compared to a \$264 million increase in our budget), but does not earmark any of that money for accountability.

When the Senate resumes debate on Labor/HHS this week, Senators Bingaman, Reed, and Kerry will offer an amendment to set aside \$200 million for this purpose. (For parliamentary reasons, the Bingaman-Reed-Kerry amendment will incorporate corrective action provisions from current Title I law rather than our ESEA proposal, but will otherwise mirror our failing schools provision.) We should press this issue with the Democratic leadership, and make it a high priority in any negotiations on Labor/HHS. The President highlighted the absence of this provision in his statement on both the House and Senate bills, and every time we talk about education, we should continue to make this clear linkage between more investment and more accountability.

2. Class Size and Teacher Quality. Last fall, Republicans voted for (and campaigned on) our class size proposal, but this year their objective is to kill it. Their line of attack has generally been that we focus on class size to the exclusion of teacher quality. The House Labor/HHS bill consolidates the class size initiative into the Teacher Empowerment Act, which we pledged to veto. The Senate bill includes \$1.2 billion (\$200 million below our request) for a block grant. Both the House and Senate bills make even that funding contingent on authorization, which they know will never happen.

We should continue to stand firm for the core elements that distinguish our approach from the Republicans' block grant: making sure the money actually leads to class size reduction in the early grades; preserving a separate revenue stream for this purpose, and targeting high-poverty schools. George Miller made a good case to us today that if we end up in negotiations on Labor/HHS, we should press for stronger teacher quality provisions as well. His argument is that House Republicans already included his teacher quality package as part of their Teacher Empowerment Act, and will be hard-pressed to object if we raise it. As a matter of policy, Republicans may not like that deal: Miller's provisions are more prescriptive than ours, and would require all teachers to be certified, not 95% -- a goal few states could meet. But Miller is right that after months of using the teacher quality argument to criticize class size, some Republicans like Goodling may have come to regard it as their issue, and might view some provisions in this area as a partial victory. We will continue to pursue this strategy with Miller.

3. After-School and Ending Social Promotion: When the President announced that his budget would triple spending for after-school, he called on Congress to give priority to communities that are ending social promotion and are using after-school and summer school programs to end it the right way. We have already criticized both House and Senate bills for underfunding after-school: the House increases it by \$100 million, the Senate by \$200 million (we called for a \$400 million increase). We could also try to get language authorizing Education to give some kind of priority for communities that end social promotion. While this makes great sense from a policy standpoint, we will have to overcome opposition not only from those who oppose our position on social promotion, but also from the child care community and from Jeffords, who created the after-school grant program.

Labor/HHS/Education House and Senate Subcommittee Marks

(all Program Levels in millions)

	FY 1999 Enacted	FY 2000 Budget	House Subcommittee Mark			Senate Subcommittee Mark			Senate +/- House
			FY 2000 Mark	Mark +/- FY 1999	Mark +/- Budget	FY 2000 Mark	Mark +/- FY 1999	Mark +/- Budget	
Education									
Class Size**	1,200	1,400	0	-1,200	-1,400	1,200	0	-200	1,200
Goals 2000	491	491	0	-491	-491	494	3	3	494
Eisenhower Professional Development	335	335	0	-335	-335	335	0	0	335
Teacher Empowerment Act** ¹	0	0	1,800	0	0	0	0	0	0
<i>Total (non add)</i>	<u>2,026</u>	<u>2,226</u>	<u>1,800</u>	<u>-226</u>	<u>-426</u>	<u>2,029</u>	<u>3</u>	<u>-197</u>	<u>229</u>
School-to-Work	125	55	0	-125	-55	55	-70	0	55
Education Technology	698	801	550	-148	-251	707	9	-94	157
After School (21st Century Learning Centers)	200	600	300	100	-300	400	200	-200	100
Title I Grants to LEAs	7,732	7,996	7,732	0	-264	8,052	320	56	320
Safe and Drug Free Schools	566	591	566	0	-25	611	45	20	45
Magnet Schools	104	114	104	0	-10	112	8	-2	8
Charter Schools	100	130	130	30	0	100	0	-30	-30
America Reads	260	286	200	-60	-86	260	0	-26	60
Bilingual Education	224	259	224	0	-35	234	10	-25	10
Adult Education ¹	385	575	378	-7	-197	488	103	-87	110
Pell (BA)	7,704	7,463	7,620	-84	157	7,778	74	315	158
<i>Pell Max Award (non add)¹</i>	<i>3,125</i>	<i>3,250</i>	<i>3,275</i>	<i>150</i>	<i>25</i>	<i>3,325</i>	<i>200</i>	<i>75</i>	<i>50</i>
Work Study	870	934	880	10	-54	934	64	0	54
SEOG	619	631	619	0	-12	631	12	0	12
Hispanic Serving Institutions	28	42	28	0	-14	42	14	0	14
Teacher Quality	75	115	75	0	-40	80	5	-35	5
GEAR UP	120	240	0	-120	-240	180	60	-60	180
HBCU	135	149	136	2	-13	142	7	-7	6
Preparing for College	0	15	0	0	-15	0	0	-15	0
College Completion Challenge Grants	0	35	0	0	-35	0	0	-35	0
Learning Anywhere Anytime Partnerships	10	20	0	-10	-20	10	0	-10	10
TRIO	600	630	660	60	30	630	30	0	-30
Special Ed. Part B Grants to States ¹	4,311	4,314	4,811	500	497	4,990	679	676	179
Impact Aid	864	736	907	43	171	892	28	156	-15
All Other Education Programs	<u>5,765</u>	<u>5,755</u>	<u>5,591</u>	<u>-174</u>	<u>-164</u>	<u>5,064</u>	<u>-701</u>	<u>-691</u>	<u>-527</u>
Total Education	33,520	34,712	33,311	-210	-1,401	35,250	1,729	538	1,939

*The House mark provides \$1.8 billion for the Teacher Empowerment Act which would consolidate class size, Goals 2000, and Eisenhower Professional Development.

**Subject to authorization

Labor/HHS/Education House and Senate Subcommittee Marks

(all Program Levels in millions)

	FY 1999 Enacted	FY 2000 Budget	House Subcommittee Mark			Senate Subcommittee Mark			Senate +/- House
			FY 2000 Mark	Mark +/- FY 1999	Mark +/- Budget	FY 2000 Mark	Mark +/- FY 1999	Mark +/- Budget	
Labor									
Adult Job Training Formula Grants ¹	955	955	860	-95	-95	950	-5	-5	90
Dislocated Workers ¹	1,406	1,596	1,260	-146	-336	1,596	190	0	336
Youth Job Training Formula Grants	1,001	1,001	901	-100	-100	1,001	0	0	100
Youth Opportunity Area Grants	250	250	0	-250	-250	250	0	0	250
Job Corps ¹	1,309	1,347	1,359	50	12	1,347	38	0	-12
Right Track Partnership	0	75	0	0	-75	0	0	-75	0
School-to-Work	125	55	0	-125	-55	55	-70	0	55
Other JTPA Programs	238	196	192	-46	-4	274	36	78	82
Total JTPA	5,284	5,475	4,572	-712	-903	5,473	188	-3	901
Employment Service Grants	822	848	822	0	-26	869	47	20	47
One-Stop Career Center Grants	147	199	100	-47	-99	147	0	-53	47
UI State Administration Grants	2,295	2,460	2,220	-75	-240	2,316	21	-144	96
Labor Law Enforcement:									
Pension and Welfare Benefit Admin	91	102	90	-1	-12	100	9	-2	10
Employment Standards Admin	315	342 **	314	-1	-28	343	28	1	29
Occupational Safety and Health Admin	354	388	337	-17	-51	388	34	0	51
Mine Safety and Health Admin	216	228	211	-5	-17	231	15	3	20
Total Labor Law Enforcement									
Bureau of Labor Statistics	399	421	395	-4	-26	409	11	-11	14
Bureau of International Labor Affairs	40	76	40	0	-36	76	36	0	36
All other Labor	988	1,048	970	-18	-78	1,037	48	-12	67
Total Labor	10,951	11,588	10,071	-880	-1,517	11,388	437	-201	1,317

* Shows program level in FY 2000; about 3/4 of the funds are newly advanced appropriated for FY 2001.

** For comparison purposes, excludes \$34 million in transfers in programs from another agency denied by the subcommittee, but restored to the sending agency.

Labor/HHS/Education House and Senate Subcommittee Marks

(all Program Levels in millions)

	House Subcommittee Mark					Senate Subcommittee Mark			
	FY 1999 Enacted	FY 2000 Budget	FY 2000 Mark	Mark +/- FY 1999	Mark +/- Budget	FY 2000 Mark	Mark +/- FY 1999	Mark +/- Budget	Senate +/- House
Health and Human Services									
<u>Administration for Children and Families</u>									
Head Start (program level) ^{1,2}	4,660	5,267	4,760	100	-507	5,267	607	0	507
Child Care & Development Block Grant	1,000	1,183	1,183	183	0	1,183	183	0	0
LIHEAP	1,100	1,100	1,100	0	0	1,100	0	0	0
LIHEAP Emergency Fund Available (non-add)	300	300	300	0	0	300	0	0	0
ACF Services	1,372	1,321	1,375	3	54	1,416	44	95	40
IDAs (non-add)	10	20	10	0	-10	10	0	-10	0
Violent Crime Reduction Programs	105	119	105	0	-14	105	0	-14	0
Refugee and Entrant Assistance	435	443	436	0	-7	443	7	0	7
Social Services Block Grant	1,909	2,380	1,909	0	-471	1,050	-859	-1,330	-859
TANF ³	N/A	N/A	-3,000	N/A	N/A	N/A	N/A	N/A	N/A
ACF Discretionary Total	8,672	9,432	8,959	287	-473	9,513	841	81	554
Administration on Aging	882	1,048	882	0	-166	928	46	-120	46
Family Caregiver (non-add)	0	125	0	0	-125	0	0	-125	0
Home-Delivered Meals (non-add)	112	147	112	0	-35	147	35	0	35
Health Programs									
HCFA Program Level Funding	2,086	2,211	1,812	-274	-399	1,991	-95	-220	179
Medicare Integrity Program (Prog. Level)	560	630	560	0	-70	630	70	0	70
Health Care Fraud & Abuse Control (PL)	100	120	100	0	-20	120	20	0	20
Consolidated Health Centers	925	945	985	60	40	1,024	99	79	39
Children's Hosp. Graduate Medical Ed.	N/A	40	0	N/A	-40	0	N/A	-40	0
Family Planning	215	240	215	0	-25	222	8	-18	7
Ryan White AIDS	1,411	1,511	1,519	108	9	1,611	200	100	92
Childhood Immunizations*	448	526	421	-26	-105	512	64	-14	91
CDC HIV/AIDS	657	702	657	0	-44	662	6	-39	5
Nat'l Inst. for Occupational Safety & Health	200	212	200	0	-12	215	15	3	15
CDC Race & Health Demonstration Grants	10	35	10	0	-25	35	25	0	25
CDC Tobacco	74	101	Not available			Not available			Not available
CDC Food Safety	19	29	Not available			Not available			Not available

²FY 2000 House mark includes advance appropriation of \$1.4 billion, FY 2000 Senate Subcommittee Mark includes advance appropriation of \$1.9 billion.

³Rescinds advance appropriation in unobligated prior year TANF funds and makes them available in FY 01.

Labor/HHS/Education House and Senate Subcommittee Marks

(all Program Levels in millions)

	FY 1999 Enacted	FY 2000 Budget	House Subcommittee Mark			Senate Subcommittee Mark			Senate +/- House
			FY 2000 Mark	Mark +/- FY 1999	Mark +/- Budget	FY 2000 Mark	Mark +/- FY 1999	Mark +/- Budget	
National Institutes of Health	15,597	15,933	16,935	1,338	1,003	17,613	2,016	1,681	678
SAMHSA Mental Health Programs	512	589	520	8	-69	582	70	-7	62
SAMHSA Substance Abuse Programs	1,918	1,980	1,841	-78	-139	2,010	92	30	169
Health Care Access for the Uninsured	N/A	25	0	N/A	-25	0	N/A	-25	0
Bioterrorism**	159	230	202	42	-29	Not available	Not available	Not available	Not available
All Other Health Programs	2,914	2,420	2,812	-102	392	2,975	61	556	164
Total Health Programs	27,805	28,478	28,789	984	311	30,203	2,398	1,725	1,415
Total HHS	37,359	38,958	38,630	1,271	-328	40,644	3,285	1,686	2,015

* Includes funding for global polio & measles included in PHSSEF.

** Best estimates based on materials available; numbers will change.

Total of Labor, HHS, and Ed.	81,830	85,258	82,012	181	-3,246	87,282	5,451	2,024	5,270
Social Security Administration	6,426	6,706	6,481	55	-225	6,674	248	-32	193
National Labor Relations Board	184	210	175	-9	-35	210	26	0	35
Corp. for National Service	277	300	275	-2	-25	293	16	-6	18

¹Programs are newly advance appropriated in the House mark. Total new advance appropriations are \$12.6 billion

TITLE I / PUBLIC SCHOOL CHOICE

Internal use only

	CURRENT LAW	ADMINISTRATION PROPOSAL	HOUSE BILL
What are the indicators of school failure?	• Adequate yearly progress, primarily defined by yearly gains on state assessments • Failure to achieve AYP for 2 years —> school improvement • Failure to achieve AYP for 2 additional years —> corrective action	• Continuous and substantial gains in student performance on state assessments, both overall and among lowest-performing students • Failure to make gains for 2 years —> school improvement • Failure to make gains for 3 additional years —> corrective action	• Adequate yearly progress, defined by (among other things) yearly gains on state assessments <i>by every subgroup</i> • Failure to make AYP for 2 years —> school improvement • Failure to make AYP for 2 additional years —> corrective action
What assistance is provided to failing schools?	• Allows, but does not require, states to set aside 0.5% Title I funds • States that choose to reserve such funds must reserve at least \$200,000	• Requires states to set aside 2.5% Title I funds 2000-01 and 3.5% thereafter • 70% of funds go directly to districts • Corrective action schools get first priority, then schools identified for improvement	• Allows, but does not require, states to set aside 0.5% Title I funds (no minimum)
At what point does school failure trigger a district's obligation to provide choice?	• Generally allows Title I funds to support choice programs • No mandatory public school choice	• Generally allows Title I funds to support choice programs • Districts required to provide choice to students in corrective action schools (?)	• Generally allows Title I funds to support choice programs • Districts required to provide choice to students in schools identified for improvement • Districts required to continue choice option for at least 2 years after school is removed from improvement status

MEMORANDUM

To: Bruce Reed
From: Andrew Rotherham
Re: House Title I
Date: September 28, 1999

Overall, this bill is not what we were expecting and is, in its current form, something we can work from. It does not include a private school choice component and the public school choice proposal looks pretty reasonable. It doesn't include our accountability provisions, but leaves the door open for debate on those points. The largest outstanding issue is still the paraprofessional issue.

Assuming the bill passes out of committee and off the floor, it is unclear how things would proceed from there because Senator Jeffords has indicated that he does not want to break ESEA up but has let to produce even a draft bill. Senate Republican leadership has indicated that they will bring an education bill, it is unclear what will this will be most likely either the Teacher Empowerment Act or Super-Ed Flex, to the floor at the end of October if Jeffords hasn't produced a bill.

Major issues in the draft are:

Targeting/Formulas

The Republicans are trying to spread the money out through several devices. They would guarantee Title I funds to LEA's that are no longer eligible for an additional 4 years. This is essentially a hold-harmless that would hinder efforts to target the money to LEA's that are newly eligible because of increases in poverty or are experiencing substantial increases of impoverished kids. For example, using data from 1999, 1626 LEA's are newly eligible for funding while 1,732 are no longer eligible. Continuing to fund these 1,732 severely impacts the programs ability to serve children in need—its ostensible purpose.

The draft would also significantly decrease the amount of funds allocated as Targeted Grants and increase the amount of money allocated through the Basic Grant formula. The Basic Grant formula spreads the money much more thinly while the Targeted Grant formula distributes funds more equitably by providing higher per-child amounts in high-poverty LEA's and lower amounts in lower-poverty LEA's. By contrast, our proposal would increase the amount of money allocated to Targeted Grants.

The within district allocation provisions are unclear right now but it appears that they want to spread the money out here too, but not drastically (such as eliminating any ranking of schools and serving high poverty first). They also are trying to increase the focus on K-6 but do not seem to be set on eliminating middle and high schools. There are technical problems with the draft that have to be resolved before we can get a better idea of what their plan here is.

The bill would also lower the threshold for schoolwide programs from 50 percent to 40 percent of students in poverty. Because of the waiver authority under Ed-Flex the threshold is basically 40 percent now so this is not a major issue although it will be portrayed that way by the same actors that opposed Ed-Flex.

School Choice

The bill does not contain private school choice provisions. It does require LEA's, not less than 6 or more than 18 months after a school is identified for school improvement to provide all students in the school with the option to transfer to another public school or charter school that isn't in school improvement. Current law allows this as an option when a school is in corrective action. The bill also broadens the public school choice component of Title I but is still similar to current law. The largest issue here will most likely be transportation costs which consume a lot of resources in any choice program.

Our Accountability Provisions

The bill does not include any of our accountability provisions as we proposed them although there are accountability pieces in there. It does include Miller's teacher quality language from the Teacher Empowerment Act (HR 1995). It also includes a school report card component but it appears this only applies to Title I schools which defeats the purpose. It contains corrective action provisions but they are not as specific as our proposal. The bill is silent on discipline.

Most importantly, it does not include our capacity building provision for turning around low-performing schools or for increasing professional development through set-asides for these purposes.

DRAFT

Summary of Program Changes in "Title I" Bill

Below is a summary of the staff working group draft of the "Title I" bill. This summary does not encompass every issue, but is designed to describe major changes to each included program.

Title I, Part A

The bill, in this part, nearly keeps the entire structure and focus of the 1994 reauthorization of ESEA, particularly in the area of standards and assessments, within district targeting, and formula.

Authorization Levels

Sets authorization levels for programs in Title I, except Part B - Even Start (current law is in brackets): Part A: \$8.35 billion (\$7.4 billion), Part C - \$400 million (\$310 million) - Part D - \$50 million (\$41 million); 1120(e) Capital Expenses - \$24 million in 2000, \$16 million in 2001, and \$8 million in 2002, program repealed after 2002, Sec. 1501 - \$7.5 million (\$9 million), Sec. 1502/1503 (Authority used to fund CSRD) - \$175 million (\$50 million)

Standards, Assessments, Adequate Yearly Progress

Standards and Assessments - The bill continues the implementation of State content and performance standards and aligned assessments adopted in the 94 reauthorization. States would be expected to have their content and performance standards in place by the date of enactment. States would also be required to have their final aligned assessments in place by the 2000-2001 school year (current law requirement), but would be allowed a one-time, one-year waiver of these requirements to complete development and implementation - States would not be permitted to get a waiver of these requirements under any other waiver authority. States not complying with these requirements could lose Title I administrative funding.

States would be required to test LEP children in the language and form most likely to yield valid results, except that students who attend U.S. schools for 3 consecutive years would be required to be tested in English on reading or language arts assessments. A waiver of this requirement for one additional year may be provided on an individual, case by case basis if testing a child in a language other than English is more likely to yield accurate and reliable information. As in current law, assessments must enable results to be disaggregated by at-risk categories of children.

Adequate Yearly Progress - This section is dramatically different from current law. In current law, States define adequate yearly progress (AYP), consistent with Secretarial regulations. The working group draft would require AYP to be defined as: applying the same standards to all students; taking into the account of all students, using the State's standards and assessments, and comparing the achievement of at risk subgroups and students at each of the performance levels, including annual numerical goals for student performance, and including a 10 year time line for at-risk groups of students to meet the State's proficient standard of achievement.

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Administrative Funding/School Improvement Reservation

Current Law allows States to reserve 1% of their Title I allocation for State administrative expenses and .5% for technical assistance to schools in school improvement and corrective action and local educational agencies in improvement and corrective action. The working group draft would allow States to reserve the same amount of funding for administration that they did in FY 99, up to 1% of their FY 99 allocation. There would be an authorization of appropriations for States to receive additional administrative funding. It would maintain the existing .5% setaside for improvement/corrective action.

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Within District Targeting

Sec. 1113 of current law contains provisions which govern the distribution of Part A funding within an LEA. The working group draft essentially maintains the basic targeting provisions of current law while including some priority for serving schools with grades K-6 below 75% poverty.:

Issue	Current Law	Working Group Draft
75% and higher poverty schools	An LEA is first required to rank schools above 75% poverty from the highest poverty to the lowest and serve such schools, in rank order.	The policy in current law would be maintained, with the addition that school districts may give priority to fund elementary schools, in rank order before other schools.
75% and lower poverty schools	For schools below 75%, LEAs are permitted to serve all grade spans (elementary, middle, or high school), or just one specific grade span (for instance only elementary schools) in rank order to the average school district wide poverty percentage. LEAs are permitted to make any school above 35% poverty eligible for Title I funding.	The policy in current law would be maintained, with the addition that school districts may give priority to fund elementary schools, in rank order before other schools.
125% rule	If a school district serves schools below 35% poverty, they must allocate to each school a per pupil allocation of 125%. This has the effect of limiting how low school districts can go in funding schools below 35% poverty.	Maintains current law

School wide percentage

Current law, consistent with Ed-Flex and Title 14 waiver authority, allows schools with 50% and higher poverty to operate schoolwide programs. The staff draft would allow schools with 40% poverty and higher to operate schoolwide programs.

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1115A - Permissive Public School choice authority

Current law allows LEAs to utilize Title I funding to implement a public school choice plan. The staff draft makes it clear that these plans (now programs) would be “consistent with State and local law, policy and practice pertaining to school choice and pupil transfer” (close approximation of legislative language). In addition, it would be clear that Title I funding could be used under this authority to provide the costs of transportation for children in public choice programs.

School Improvement/Corrective Action

Current law has two levels of identification for improvement status and corrective action: school level and LEA level:

School level improvement and corrective action: Schools are identified for school improvement after two consecutive years of failing to meet adequate yearly progress. Schools are placed in corrective action after failing to make adequate yearly progress during their third year as a school in school improvement. Due to States not having their final assessments in place (see above) corrective action under current law is restricted to essentially technical assistance.

LEA improvement and corrective action: This mirrors the structure for schools, only applies to LEAs.

The working group draft would basically maintain current law with the following changes:

Corrective Action: An LEA/State would be required to select a corrective action, other than technical assistance (since States would have their final aligned assessments in place) from a menu of options similar to current law.

School Improvement Choice Program: Within 18 months of a school being placed in school improvement status, an LEA would be required to implement a public school choice program for students attending such school in school improvement. This program would be required to be “consistent with State and local law, policy and practice pertaining to school choice and pupil transfer” (close approximation of legislative language). Schools presently in school improvement status before the enactment of this bill would have 18 months to implement a public school choice plan. Public school choice plans implemented pursuant to this provision would have to be continued at least 2 years after a school loses its designation as a school in school improvement.

Parental Involvement

Current law requires school districts to set aside up to 1% of funds for parental involvement. While the staff draft maintains this set aside and requires that 90% of the funds set aside to be disbursed to schools within the LEA, it also strengthens parental involvement provisions in various sections of the bill. In addition, LEAs would be allowed to establish a parent advisory council.

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Teachers and Paraprofessionals

The staff draft would include the teacher quality provisions from H.R. 1995, the Teacher Empowerment Act, regarding fully qualified teachers and that State would be required to have a plan ensuring that all teachers would be fully qualified by 2003.

Paraprofessionals - Current law requires paraprofessionals to have a high school degree, or its equivalent, or be within 2 years of obtaining either. Paraprofessionals who are proficient in a language other than English are exempt from this requirement if such proficiency is necessary to ensure the participation of an LEP child. Paraprofessionals are required to be under the direct supervision of a teacher.

The working group draft would freeze the hiring of new paraprofessionals by an LEA, except to fill a vacancy, until all the teachers in the LEA are fully qualified. New paraprofessionals hired one year after the effective date of the bill would be required to have: 2 years of study at an IHE; an AA or higher degree; or met a rigorous standard of quality that demonstrates through a formal assessment their knowledge of, and ability to instruct in reading, writing, and math. Existing paraprofessionals, and those hired within one year of the effective date of the bill, will have until 2003 to meet these requirements. Paraprofessionals who provide translation services and solely do parental involvement activities would not be required to meet the new paraprofessional requirements, but all paraprofessionals would be required to have a high school diploma or GED, regardless of hiring date. A paraprofessional would be prohibited from providing instructional services to a student unless under the direct supervision of a fully qualified teacher. LEAs shall require the principal of each school to verify compliance with this section.

Private Schools

Current law provides for the equitable participation of children enrolled in private schools. Current law also requires school districts to provide meaningful consultation to private school officials to determine the services provided to private school children. Current law does provide for an LEA to use a "third-party" contractor to provide services and requires the Secretary to "bypass" an LEA which is (1) prohibited by law from providing for the participation of private school children, or (2) if the LEA has substantially failed or is unwilling to provide such services.

The staff draft would make the following changes:

Consultation: Stronger consultation between private school officials and the LEA in determining services to private school children, including hearing the views of private school officials on the use of third party contractors and which third party contractor may provide such services. Private school officials who feel that the LEA did not provide meaningful consultation will have the right to appeal to the State.

Allocations: LEAs will be required to select from three options in determining the allocation for private school services: using the same method as determining the need for public school children, using a survey instrument, or applying the proportionate share of poor children in

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eligible Title I schools to the number of private school children in the LEA. LEAs would have the final authority to decide which option to utilize.

Bypass: The bill would expand the bypass provisions in current law to allow private school officials to request a bypass of the LEA when children in private schools receiving Title I services are not making satisfactory progress.

Formula

Maintains current law with the following major changes:

New funding distribution between targeted and basic and concentration grant formulas: 50% of funding above the 2000 appropriation would be allocated under the targeted formula, 50% of funding above the 2000 appropriations would be allocated between the basic and concentration grant formulas, consistent with the current ratio between the two formulas 85%/15%.

Concentration Grant Hold Harmless: The bill would establish an 85% hold harmless for concentration grant allocations to LEAs that for four consecutive years fail to meet the minimum eligibility criteria (6500 poor children or 15% LEA wide poverty).

School Report Cards

Adds a new section to current law: States, LEAs, and schools would be required to issue report cards on aspects of student performance and teacher qualifications, or if they did not issue report cards, some other public means. Parents would be allowed to request information on their child's teacher's qualifications and would be sent information on their individual performance.

Title I, Part C - Migrant Education

The Migrant Education Program presently provides grants to States to provide for the education of migratory students.

The working group draft would make several major changes:

Modifies the Federal to State formula

Current law provides funds to states based on the number of children who reside in the State full time and the number of "full-time equivalents" who reside in the State part of the year. The bill would change the formula to provide funding to States based on the number of migrant children who reside in the State and the number of migrant children served in summer or intercession programs. Coupled with this change in formula would be a FY 2000 hold-harmless, guaranteeing that each State receive the funding it got in FY 2000.

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Migrant Student Records

Current law requires the Secretary to work with States in facilitating the transfer of migrant student records. This requirement has not produced effective records transfer systems. The bill would require the Secretary, in consultation with the States to develop a set of common data elements to be used in transferring migrant student records. LEAs which receive funds under this Part would be required to transfer migrant student records at no cost to other LEAs. The Secretary would be permitted to encourage States to adopt electronic transfer of migrant student records.

Incentive Grants

The Secretary would be authorized to provide incentive grants to State which form consortia to improve services to migrant students. Grants could be up to \$250,000 and the Secretary could reserve \$1.5 million for this purpose if total appropriations increased by less than \$5 million and \$3 million if total appropriations increased by more than \$5 million.

Title I, Part D - Neglected and Delinquent

Current law provides grants to State education agencies, who in turn provide grants to state agencies and local education agencies to develop educational programs for neglected and delinquent children and youth at risk of dropping out of school.

The program maintains a focus on educational programs for neglected and delinquent children. However, some focus is shifted away from the at-risk youth and towards educational support for children returning from correctional facilities. The bill would establish a "Transitional and Academic Services Program," to provide for the transitional and academic needs of students returning from correctional facilities.

Title I, Part F - General provisions

Current law contains the negotiated rulemaking provisions pertaining to Title I, authorizes the Secretary to create a Title I policy manual and includes the provision allowing States to reserve 1% of Title I funds for administrative purposes

The working group draft would maintain negotiated rulemaking for certain provisions in Title I, delete the authority for the Secretary to create a Title I policy manual, and establish a 4% LEA administrative cap on spending. This Part would also require the Secretary to develop a definition of administrative costs.

Title I, Part G - Comprehensive School Reform

The bill adds a new Part G that would authorize the existing Comprehensive School Reform Program in statute. The bill closely mirrors the policy articulated in the 1997 Labor/HHS appropriations conference report.

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Title 5, Part A - Magnet Schools

Current law supports magnet schools in LEAs that are implementing school desegregation plans. The purpose of the program is to address minority group isolation in schools, and to support instruction within magnet schools that will provide all students the opportunity to meet challenging State content and student performance standards. Only LEAs currently implementing a desegregation plan ordered by a court or state official or voluntarily agreeing to adopt a desegregation plan can receive assistance under this program. Grant recipients receive three-year awards which cannot exceed \$4 million per year.

The bill makes mostly technical changes to current law.

Title 7 - Bilingual Education and Emergency Immigrant Education

Negotiations on this Title are still ongoing.

Title 9 - Indian, Hawaiian, and Alaskan Education

to be supplied.

95-561 (Education Amendments of 1978 dealing with BIA education programs), and the Tribally Controlled Schools Act

to be supplied.

Title 10, Part B - Javitz Gifted and Talented Program

The Javits Gifted and Talented Students Education Program awards grants to state and local education agencies, institutions of higher education, and other public and private agencies and organizations for research efforts for gifted and talented education programs. In addition, it also provides funding for a National Center for gifted and talented research

The bill would retain the existing Javitz program and structure, including the National Center, until total appropriations reach \$50 million (presently \$6.5 million). At \$50 million, the program would fund grants to States. States would compete grant funds to LEAs to implement gifted and talented programs and research activities.

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Title 10, Part J, Subpart II - Rural Assistance Program

Current law provides authority for the Secretary to provide grants to LEAs which have at least 15% total poverty and are not in a metropolitan statistical area (MSA), or whose enrollment is less than 2500 students and does not serve schools in an MSA.

The legislation creates two subparts, each based on existing legislation from Mr. Barrett (H.R. 2725) and Mr. John (H.R. 1868).

Subpart 1 would allow LEAs with less than 600 children and serving communities with a Beale Code (Dept. of Agriculture estimate of ruralness) of 6 through 9 to combine funds from the following programs: Teacher Empowerment Act (Title II and class-size reduction program); Safe and Drug Free Schools; Title VI of ESEA, Title VII of ESEA, and 21st Century Community Learning Centers Program (in another bill the Majority intends to turn this program into a formula grant program to the States). LEAs would receive \$100 per each student, minus the amount of funding provided under combined programs. Each LEA would be guaranteed at least \$20,000 under this authority and would not receive more than \$60,000.

Subpart 2 would allow LEAs that with at least 20% poverty and served by communities with a Beale Code designation of 6 through 9 to receive grants either by a State determined formula based on the number of students, or a competitive grant process. Grant funds may be used for technology, professional development, technical assistance, teacher recruitment and retention, parental involvement activities, or academic enrichment programs.

Steward B. McKinney Homeless Assistance Act

The McKinney Homeless Assistance Act authorizes formula grants to states, based on each State's share of Title I, Part A funding. Grants are used to establish a Coordinator of Education of Homeless Children and Youth office, within each SEA, implement professional development, and provide homeless children with assistance in meeting high academic standards.

The bill incorporates changes sought by both the Administration and Representative Biggert.

COMPARISON OF CURRENT LAW AND THE "EDUCATIONAL EXCELLENCE FOR ALL CHILDREN ACT"

TITLE I – HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

Current Law

Educational Excellence for All Children Act

Title I (LEA Grants and Related Provisions)

<u>Overall Purpose</u> To help low-achieving children in high-poverty schools meet challenging State standards that all children are expected to meet.	Unchanged. Makes minor revisions to update supporting statements (needs, lessons learned, and means for achieving the purpose) with findings from recent research and evaluations.
<u>State Plan</u> Requires comprehensive State plans, subject to peer review and approval by the Secretary, demonstrating that the State has developed or adopted State standards and assessments.	Also requires States to describe how they will develop and implement statewide accountability systems, based on State standards and assessments, that meet specified criteria.
<u>State Assessments</u> ✓ Requires that, by 2001, all SEAs have final State assessment systems in place to measure the performance of students in Title I schools against the State's standards. ✓ Specifies that State assessments be designed to assess students' performance in mastering complex skills and challenging subject matter and be administered in at least reading and mathematics at some time during grades 3-5, 6-9, and 10-12. ✓ Requires SEAs to assess limited English proficient (LEP) children, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what these students know and can do.	No change. No change. Adds requirements that: (1) in content areas other than English, Spanish-speaking LEP children be assessed with tests written in Spanish (if the tests are likely to produce more accurate results than English language tests), and (2) all students who have attended U.S. schools for three or more consecutive years be assessed in reading and language arts using tests written in English.

Current Law

Educational Excellence for All Children Act

<u>State Accountability</u> Holds LEAs and schools accountable for making "adequate yearly progress" toward enabling participating students to meet the State's proficient and advanced performance standards in at least reading and math.	Holds LEAs and schools accountable for continuous and substantial gains in overall student performance and in the performance of the lowest-achieving students in at least reading and math.
<u>State Support for Improvement</u> Requires State mechanisms to, at a minimum, identify "distinguished" educators and schools, and create a statewide system of "school support teams."	Requires a State support system that may include, for example, school support teams, distinguished educators, and a peer-review process to improve school improvement plans.
<u>State Reservation for School Improvement</u> Requires SEAs to reserve at least \$200,000 (and permits them to reserve up to ½ of one percent) of combined allocations for Title I LEA grants, State Migrant, and State Neglected and Delinquent grants for school improvement purposes.	Requires SEAs to reserve 2.5 percent of their Title I LEA Grant funds for accountability and school improvement activities. The amount would rise to 3.5 percent in fiscal year 2003. Requires SEAs to allocate at least 70 percent of the reserved funds to LEAs.
<u>Priorities for State Assistance</u> Gives priority for assistance from school support teams to schoolwide programs; then, if funds are sufficient, to schools identified for improvement and with 75% and above poverty.	Gives first priority to LEAs subject to corrective action and second priority to LEAs identified for school improvement.
<u>Local plans</u> Requires comprehensive LEA plans tied to State standards and assessments and defines plan requirements.	Adds requirement that SEAs peer review all LEA plans as part of the State approval process. Also adds requirement that LEAs describe actions to assist low-performing schools.

Current Law

Educational Excellence for All Children Act

Requires plans for schools seeking to implement schoolwide programs and schools identified under Title I as in need of improvement.	Adds requirement that LEAs provide for peer review of all schoolwide and school improvement plans.
<u>LEA and School Improvement</u> Establishes a several-stage process for LEA and school improvement, requiring that: (1) LEAs identify schools not making adequate progress for two consecutive years; (2) identified schools revise Title I plans in the year after being identified; (3) LEAs help identified schools improve; and (4) ultimately, LEAs take corrective actions against schools that repeatedly fail, but they are prevented from taking most actions until final assessments are in place. Corrective actions may include such measures as curtailing a school's decision-making authority, or transferring staff or students to other schools. SEAs hold LEAs accountable using a similar process.	Makes changes to require that schools revise plans within 3 months after being identified for improvement, and LEAs begin intervention immediately after school identification. Also, LEAs may institute corrective action at any time after a school is identified for improvement. Corrective action must include at least one of the measures specified in the bill.
<u>Title I Instructional Staff</u> Encourages LEAs and schools to employ high-quality staff. Allows aides to provide classroom instruction under the direct supervision of a teacher. Requires that instructional aides employed with Title I funds be under the direct supervision of a teacher and have (or will obtain within two years of employment) a secondary school diploma or equivalent degree, unless an aide has proficiency in a language other than English.	Adds requirement that all new teachers paid with Title I funds be certified in the field in which they will teach, or have a bachelor's degree and be enrolled in a program to obtain certification within 3 years. Phases out the use of aides for classroom instruction: (1) Raises minimum qualifications for paraprofessionals who, by July 1, 2002, must have completed at least 2 years of college to perform one-on-one tutoring, assist with classroom management, or provide assistance in a computer laboratory; (2) Specifies that a paraprofessional with a secondary school diploma who has not

Current Law

Educational Excellence for All Children Act

	completed at least 2 years of college may perform only non-instructional duties, such as improving parental involvement, providing support in a library or media center, or acting as a translator.
<u>Professional Development</u> Requires schools to provide ongoing professional development for school staff working with disadvantaged students. Requires schools identified for school improvement to devote an amount equivalent to at least 10 percent of one year's Title I allocation to professional development activities conducted during two consecutive years.	No change. Specifies that all participating LEAs use at least 5 percent of annual Title I allocations for professional development (10 percent for fiscal year 2003 and thereafter).
<u>Schools eligible for Title I funds</u> A public school with a percentage of students from low-income families exceeding the districtwide poverty average is eligible for Title I funds.	Clarifies that LEAs may extend eligibility for one additional year to ineligible schools that received funds in the previous fiscal year.
<u>Ranking and Serving Schools</u> If funds are insufficient to provide services in all eligible schools, an LEA with more than 1,000 students must rank and serve all schools (including middle and high schools) with poverty rates of at least 75 percent before serving schools with less needy populations. Below the 75 percent poverty cut-off, LEAs may rank all eligible schools by poverty rate, or separately rank schools by grade span. Also, an LEA must allocate a minimum amount per poor child unless all schools served have poverty rates above 35 percent.	Clarifies that an LEA may allocate a greater per-child amount to higher-poverty schools than to lower-poverty schools.

Current Law

Educational Excellence for All Children Act

Children eligible for Title I services

Each public school receiving Title I funds establishes its own educational criteria for selecting and serving students who are failing, or at risk of failing, to meet State academic standards.

Requires LEAs to provide Title I services to eligible private school children residing in participating public-school attendance areas; the level of services is determined by the amount of funds generated by poor private-school children.

No change.

Adds language clarifying and expanding the level of consultation required between the LEA and private school officials.

Focus of Title I services

Requires LEAs and schools to increase the amount and quality of student learning by: helping participating students master the same challenging curriculum as other students; and giving primary consideration to instructional arrangements, such as after-school, weekend, and summer programs, that allow participating children to receive all the classroom instruction other children receive, in addition to Title I services.

No change.

Schoolwide programs

Permits schools with at least 50 percent poverty to operate schoolwide programs that combine Federal, State, and local funds to improve the overall instructional program for all children in a school. (All other schools must provide "targeted assistance" to supplement the regular education of children deemed most in need of Title I services.)

Specifies 8 components for schoolwide programs that focus on: needs assessment, reform strategies, instruction by highly qualified staff, professional development, parent involvement,

No change.

Restructures schoolwide components to focus on 3: (1) comprehensive needs assessment, (2) a coherent research-based design, based on the needs assessment, to improve teaching and learning throughout the school; and (3) regular review of the

Current Law

Educational Excellence for All Children Act

transition from preschool, teachers' involvement in assessments, and activities to help students having difficulties mastering challenging

school's progress in implementing its program and achieving its goals for student achievement.

standards.	
<u>Federal formula allocations</u> Requires that amounts appropriated for Title I LEA Grants in excess of the fiscal year 1995 appropriation for Title I Basic and Concentration Grants be allocated as Targeted Grants. Limits Puerto Rico's allocations by capping its average per-pupil expenditure at 32 percent of the lowest average per-pupil expenditure of any of the 50 States.	Requires that Targeted Grants receive the greater of: (1) 20 percent of the Title I LEA Grant appropriation; or (2) the amount exceeding the fiscal year 1995 appropriation for Basic and Concentration Grants. Phases in changes to ensure that Puerto Rico receives Title I allocations on the same basis as the 50 States and D.C. by fiscal year 2005.
<u>Capital Expenses</u> Authorizes capital expenses to help meet LEA administrative costs necessary to provide instruction for religious-school students at neutral sites, in compliance with the Supreme Court's 1985 <u>Aguilar v. Felton</u> decision (which was overturned in 1997).	Repeals the authority.
<u>Evaluation</u> Authorizes a separate appropriation for Title I evaluation. Requires a National Assessment of Title I programs and a longitudinal National Evaluation of Title I.	Deletes separate authorization; permits the Secretary to reserve not more than .3 percent from the total amount appropriated for Title I for evaluations; partnership activities with States to develop management information systems; applied research, technical assistance, dissemination, and recognition activities; and updates of Census data used for Title I allocations. No change.
Current Law	Educational Excellence for All Children Act
<u>Program Indicators</u> No comparable provision.	Requires States to report annual progress of LEAs and schools in meeting specified performance indicators for student performance, school improvement, teacher qualifications, and parental involvement.

<u>Fiscal requirements</u> Requires that comparability be determined on the basis of services provided by State and local funds in Title I schools and non-Title I schools. LEAs meet comparability requirements by filing assurance with SEA that includes an LEA salary schedule, a policy to ensure equivalence among schools in teachers and other staff, and a policy to ensure equivalence in curriculum materials and instructional supplies.	Changes the current test of comparability by requiring an LEA to ensure comparability between Title I and non-Title I schools in terms of: pupil-teacher ratios and the qualifications of teachers; curriculum and other instructional materials and resources; and the condition and safety of school facilities, including access to technology.
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Title I, Part B, Even Start

<u>Reservation of Funds</u> Requires the Secretary to reserve 5 percent of the Even Start appropriation for programs for children of migratory workers, the outlying areas, Indian tribes and tribal organizations, and one project in a prison that houses women and their preschool-age children. Permits the Secretary to reserve not more than 3 percent for evaluation, technical assistance, program improvement, and replication activities.	Permits the use of set-aside funds for projects serving other populations, including families that are homeless, that have children with severe disabilities, or that include incarcerated mothers of young children. Deletes the requirement for the prison literacy project. Permits a reservation of 1 percent for technical assistance, program improvement, and replication activities. Deletes evaluation from the list of authorized activities. (Even Start evaluation would be supported through the reservation of not more than .3 percent for evaluation from the total amount appropriated for Title I.)
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Current Law

Educational Excellence for All Children Act

Requires the Secretary to award competitive grants to States, from \$10 million reserved from Reading Excellence Act funds, for "statewide family literacy initiatives."	Permits the Secretary to make grants by reserving funds from the Even Start appropriation.
<u>State Plan</u> No comparable provision.	Requires a one-time State plan that includes (or describe progress toward) indicators of program quality, and how the State will use indicators to help projects implement program elements, conduct subgrant competitions, and coordinate resources to improve family literacy services.
<u>Program elements</u> List required elements for each Even Start program with regard to identification, recruitment, and screening of families, instruction, staff training, program services, operation, and coordination.	Adds requirements that: ▪ Within 4 years, all instruction be provided by teachers who have at least a bachelor's degree, and all new teachers hired also be certified in the field in which they are teaching or be enrolled in a program to obtain certification within two years. ▪ Paraprofessionals who provide instructional support services must have completed, by July 1, 2002, at least two years of college and work under the direct supervision of a teacher. Paraprofessionals providing non-instructional services must have a secondary school diploma or its equivalent. ▪ All programs utilize research-based instructional approaches, and provide at least some center-based services.
<u>Local applications to States</u> Requires descriptions of program goals, activities and services, how the program will incorporate the program elements, population to be served, collaborative efforts with other entities, and methods used to ensure that programs will serve families most in need.	Adds requirements that applications also describe outcomes for children and families that (1) are consistent with the program indicators and strategies and (2) provide for rigorous and objective evaluation of progress toward the goals and the continuing use of evaluation data for program improvement.

Current Law

Educational Excellence for All Children Act

<u>Grant renewal</u> An eligible recipient may receive funds for not more than 8 years.	A State may provide funding for up to two additional years for up to two projects that are highly successful and that have the potential to serve as models for other projects. The Federal share is limited to 40 percent the first year and 30 percent the second year.
<u>State program quality indicators</u> Requires States to develop indicators to measure the progress of adult and child participants and the intensity and duration of participation; specifies requirements for indicators.	Adds requirement that indicators be developed by September 30, 2000.
<u>Research</u> Requires the Secretary to carry out research into the components of successful family literacy services, and disseminate the results of the research through the National Institute for Literacy.	Deletes these requirements.

Title I, Part C, Education of Migratory Children

<u>Overall Purpose</u> Provides assistance to State educational agencies to establish and improve programs of education for children of migratory farmworkers and fishers that enable them to meet the same high academic standards as other children.	Unchanged.
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Current Law

Educational Excellence for All Children Act

<u>State allocations</u> Establishes a formula for allocating funds to States based on the estimated number of migratory children aged 3 – 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children who reside in the State part time.	Bases the formula on State counts of the number of eligible children, aged 3 through 21, residing in the State in the previous year, plus the number of those children who received services under Part C in summer or intersession programs provided by the State.
	Establishes a minimum State allocation of the greater of \$200,000 or 80 percent of a State's prior-year allocation. Also, establishes a maximum allocation of no more than 120 percent of a State's prior-year allocation
<u>State applications</u> Requires States to submit applications for grants under the program, describes the children who are to be given priority for services, and authorizes the provision of services to certain categories of children who are no longer migratory.	Minor technical and conforming changes.
<u>Coordination of migrant education activities</u> Authorizes various activities to support the interstate and intrastate coordination of migrant education activities.	Makes for-profit entities eligible for awards.

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Educational Excellence for All Children Act

Increases the maximum amount that the Secretary may reserve each year to support coordination activities from \$6,000,000 to \$10,000,000.

Increases the maximum amount that may be reserved for "incentive grants" from \$1,500,000 to \$3,000,000.

Other minor technical and conforming changes.

Title I, Part D, Neglected and DelinquentOverall Purpose

To improve educational services to children in local and State institutions for neglected and delinquent children and youth so that such children and youth have the opportunity to meet challenging State standards that all children are expected to meet.

Unchanged except for the deletion of "local."

Payments for programs under Part D

Requires States to retain funds generated throughout the State under Part A of Title I (Basic Grants) on the basis of youth residing in local correctional facilities or attending community day programs for delinquent children and youth, and to use those Part A funds for local programs under Subpart 2 of Part D.

Deletes this requirement and makes other conforming amendments.

Local agency programs (Subpart 2)

Requires each State educational agency to use the funds it reserves (per the requirement noted above) to make grants to LEAs with high proportions of youth in local correctional facilities for drop-out prevention and intervention programs for neglected, delinquent, and other categories of at-risk youth.

Eliminates the Part D Subpart 2 program.

Title I, Part E, Reading Excellence

<u>SEA Review and Approval of Local Applications</u> No comparable provision.	Requires the State to describe, in its application, the process and criteria that the SEA will use to review and approve applications for Local Reading Improvement and Tutorial Assistance Subgrants, including a peer review process that includes specified individuals and, in the case of Tutorial Assistance Subgrants, experts on tutorial assistance.
<u>State Administration and Evaluation Funds</u> Allows the SEA to use not more than 5 percent of funds for administrative costs (excluding Tutorial Assistance Subgrants), of which not more than 2 percent may be used for State evaluations and performance reports.	Allows the SEA to use not more than 5 percent of funds for administrative costs, of which not more than 2 percent may be used for State evaluations and performance reports.
Allows the SEA to use not more than 15 percent of funds to solicit applications for, award, and oversee the performance of Tutorial Assistance Subgrants. Requires each State to make at least one such subgrant.	Allows the SEA to use not more than 15 percent of funds for Tutorial Assistance Subgrants. (Continues requirement for at least one such subgrant.) These funds must be used for the subgrant(s) only, not for the costs of administering them.
<u>Eligibility of LEAs to Receive Subgrants and Uses of Funds</u> No comparable provisions.	Limits the eligibility of LEAs that wish to receive Local Reading Improvement and Tutorial Assistance Subgrants to those that have at least one school that serves children in grades 1 through 3.

TITLE II – HIGH STANDARDS IN THE CLASSROOM

Current Law

Educational Excellence for All Children Act

Title II, Part A, Teaching to High Standards

<u>Program Focus</u> Eisenhower – Supports high-quality professional development for teachers, principals, and other relevant school staff. Goals 2000 – Supports the development of challenging State content and student performance standards and assessments and curricula tied to those standards. Title VI – Supports education reform and innovation.	Consolidates the Eisenhower, Goals 2000, and Title VI programs into a single “Teaching to High Standards” program to support improvement in classroom instruction so that all students are prepared to achieve to challenging State content and student performance standards in the core academic subjects.
<u>Federal Allocations</u> ✓ Eisenhower -- 0.5 percent to outlying areas and 0.5 percent to BIA; formula grants to States based 50 percent on previous year Title I shares and 50 percent on population aged 5 to 17. ✓ Goals 2000 – 1 percent for the outlying areas and BIA; formula grants to States based 50 percent on Title I shares and 50 percent on Title VI shares. ✓ Title VI -- 1 percent to outlying areas is reserved first, then formula to States based on population aged 5 to 17.	0.5 percent to outlying areas and 0.5 percent to BIA; formula grants to States based 50 percent on previous year’s Title I shares and 50 percent on the population aged 5 to 17.

Current Law

Educational Excellence for All Children Act

<u>Priority for Professional Development in Math and Science</u> Eisenhower -- If funding is less than \$250 million, full amount goes to math and science. If funding is \$250 million or greater, the SEA and SAHE, and each LEA, must in total spend for professional development in math and science an amount that is at least as much as the allocation the State would have received if the appropriation had been \$250 million.	If funding is \$300 million or less, full amount goes to math and science. If funding is greater than \$300 million, the SEA and SAHE must jointly ensure that the total amount of funds they and their subgrantees use for professional development in math and science is at least as much as the allocation the State would have received if the appropriation had been \$300 million.
<u>State Application</u> Eisenhower – Must describe, among other things, how the State plans to provide teachers and other appropriate staff the knowledge and skills needed to help all children reach State content and student performance standards. Goals 2000 – Must describe the State’s plan for improving elementary and secondary education within the State. Title VI – Must provide administrative assurances.	Must describe, among other things, how the State will use program funds to support the alignment of curricula, assessments, and professional development with challenging State and local content and student performance standards.
<u>Within-State Allocations</u> Eisenhower -- The SAHE receives 16 percent of the State's allocation, of which up to 5 percent may be used for administration. The SEA receives 84 percent of the State's allocation, of which up to 5 percent may be used for State-level activities and 5 percent for administration. Remaining SEA funds are allocated to LEAs 50 percent on preceding year’s Title I shares and 50 percent on population aged 5 to 17.	The SEA must make available to the SAHE an amount equal to what the State's allocation would be if the amount appropriated for this program were \$60 million. (The SAHE may reserve up to 3.3 percent of these funds for administration). The SEA may reserve up to 10 percent for State-level activities and administration, of which no more than a third may be used for administration. Remaining funds go to LEAs, with 50 percent allocated based on the number of children aged 5 to 17 living in poverty and 50 percent awarded competitively to LEAs based on need and the quality of applications.

Current Law

Educational Excellence for All Children Act

Goals 2000 – States award at least 90 percent of their funds competitively to districts, with at least half of the funds going to LEAs with a percentage or number of poor children exceeding the statewide average.

Title VI – The SEA must distribute at least 85 percent of its funds to LEAs based on a formula, approved by the Secretary, that provides higher per-pupil allocations to LEAs that have the greatest number or percentages of children whose education imposes a higher than average cost.

State-Level Activities

✓ Eisenhower – State activities to improve teacher licensure, teacher assessments, and professional development.

Goals 2000 – State activities establish academic standards and coordinate curriculum frameworks, assessments, teacher preparation and licensure requirements, and other aspects of their educational systems to help children achieve to State standards.

Title VI – Technical assistance and direct grants to LEAs and statewide reform activities, including effective schools programs that assist LEAs to provide targeted assistance.

Subgrants to IHE-LEA Partnerships

No partnership requirements.

Activities to support, among other things, continued revision and improvement of State content and student performance standards and assessments aligned with those standards; redesign of professional ✓ licensure systems for educators; development and implementation of professional development opportunities for teachers, principals, and other educators; and establishment, expansion, or improvement of rigorous alternative routes to State certification or licensure.

Requires IHEs to enter into a written agreement with at least one LEA to be eligible to receive a subgrant (under the set-aside described above). In awarding subgrants, the SAHE must give priority to projects that focus on induction for new teachers.

Current Law	Educational Excellence for All Children Act
<u>Competitive Subgrants to LEAs</u> Eisenhower and Title VI -- No comparable provision. Goals 2000 -- States award funds competitively to districts. At least half of the funds must go to LEAs that have a greater percentage or number of disadvantaged children than the statewide average.	Requires the SEA to identify LEAs with the greatest need. Requires the SEA to award subgrants competitively on the basis of need and the quality of the applications, after using a strategy that provides LEAs with the greatest need with a reasonable opportunity to compete for an award. After a competition, the SEA must provide technical assistance to those LEAs identified as having the greatest need but that competed unsuccessfully for a subgrant.
<u>Local Applications</u> Eisenhower -- Applications must include, among other things, an assessment of local needs for professional development as identified by the LEA and school staff. Goals 2000 -- Applications must include a local improvement plan that addresses districtwide education improvement designed to enable all children to achieve to State content and student performance standards. Title VI -- Requires general information about the management of the program.	LEA applications must include, among other things, a district-wide plan that addresses how program funds will be used to: support the alignment of curricula, assessments, and professional development with challenging State and local standards; provide professional development in the core academic subjects; assist new teachers during their first three years in the classroom; and ensure that teachers employed by the LEA are proficient in content knowledge and teaching skills. LEAs applying for competitive funds must describe how they will use the additional funds to implement their plan.
<u>LEA Uses of Funds</u> Eisenhower -- Professional development activities that are tied to the LEA plan, with at least 80 percent of funds for school-level professional development. The remaining funds can be used for district-wide professional development.	Professional development activities in the core academic subjects that are intensive, sustained, and collaborative. Such activities may include, for example, teacher study groups, teacher networks, classroom observation, internships, and mentoring. Also authorizes development and distribution of school and LEA report cards (as required under Title XI).

Current Law	Educational Excellence for All Children Act
Goals 2000 – LEA reform activities, such as developing curricula or providing professional development that are tied to State standards. Title VI – Activities that support educational innovation.	
<u>Equipment and Textbooks</u> Title VI – Allows for the purchase of instructional and educational materials, including library services and materials (including media materials), assessments, reference materials, computer software and hardware for instructional use, and other curricular materials.	Authorizes the use of funds for the development and acquisition of curricular materials and other instructional aids (if they are not normally provided by the local educational agency or the State as part of the regular instructional program) that will advance local reform efforts. Prohibits the use of subgrant funds for equipment, computer hardware, textbooks, or telecommunications fees, or for items that are normally provided by the LEA or the State as part of the regular instructional program.
<u>Program Performance Indicators</u> Eisenhower -- Requires States to report to the Secretary on their progress on program performance indicators every three years; LEAs are required to report progress to the State on performance indicators. Goals 2000 – Requires States to report to the Secretary annually on progress made toward meeting the goals contained in their improvement plans. Title VI – No comparable provision.	Requires the Secretary to develop program performance indicators, in collaboration with States, LEAs, and IHEs, three months after the effective date of the legislation. Recipients of funds are required to report on their progress against these indicators.

Current Law

Educational Excellence for All Children Act

<u>National Programs</u> Eisenhower – Authorizes the Secretary to support activities of national significance that the Secretary determines will contribute to the development and implementation of high-quality professional development activities in the core academic subjects, including support for the National Board for Professional Teaching Standards. Requires the Secretary to establish an Eisenhower National Clearinghouse for Mathematics and Science Education.	Continues the current authority, but expands it to include activities of national significance that contribute to the improvement of teaching and school leadership and to the recruitment and retention of teachers and principals in poor LEAs.
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Title II, Part B, Transition to Teaching: Troops to Teachers

<u>Purpose</u> No comparable ESEA program.	To help high-poverty school districts find highly qualified teachers in particular subject areas, such as mathematics, science, foreign languages, bilingual education, and special education, by expanding the Department of Defense's Troops to Teachers model.
<u>Program Authorized</u>	Before making competitive awards, the Secretary would first transfer funds to DoD for continuation of the Troops to Teachers program. With remaining funds, the bill authorizes the Secretary to award competitive grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to recruit, prepare, place, and support career-changing professionals who wish to become teachers. Grantees may provide training stipends and other financial incentives for program participants, which may not exceed \$5,000 for each participant.

Current Law

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<u>Period of Service for Program Participants</u>	Program participants who complete training are required to serve for at least three years in a school district with a poverty rate of at least 20 percent or a total number of poor children exceeding 10,000. The Secretary must establish a repayment system for participants who receive a training stipend or other financial incentive but fail to complete their service obligation.
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Title II, Part C, Early Childhood Educator Professional Development

<u>Purpose</u> No comparable current program.	To improve the knowledge and skill of early childhood educators who work in high-poverty areas.
	<u>Program Authorized</u> Authorizes competitive awards to partnerships of (1) IHEs or nonprofit organizations that provide professional development and (2) public agencies that administer early childhood programs. Priority for partnerships that include LEAs that operate early childhood programs for children from low-income families in high-need communities. Grants are for up to 4 years.
	<u>Applications</u> Requires applicants to provide descriptions of the community served and the proposed program.

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	<u>Uses of Funds</u> Activities to improve the knowledge and skills of early childhood educators who work in high-need, high-poverty areas, such as professional development that familiarizes educators with recent research on child, language, and literacy development; professional development activities for educators who work with children who have limited English proficiency, disabilities, and other special needs; and activities that assist and support early childhood educators during their first three years in the field.
	<u>Accountability and Reporting</u> Requires grantees to report annually to the Department on their progress against performance indicators announced by the Secretary.
	<u>Cost-Sharing</u> Federal share is not more than 50 percent of the total cost of the project or more than 80 in any single year.

Title II, Part D, Technical Assistance Programs

<u>Common Requirements for All Technical Assistance Programs</u> None.	Supports a national, comprehensive, and integrated system of technical assistance and information dissemination. Requires all of the programs listed below, as well as the Regional Technology in Education Consortia authorized under ESEA Title III and the
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Current Law

Educational Excellence for All Children Act

	educational laboratories and ERIC clearinghouses authorized under the Educational Research, Development, Dissemination, and Improvement Act, to participate in a technical assistance network.
<u>Comprehensive Regional Assistance Centers</u> Authorizes 15 regional centers to provide comprehensive technical assistance to help States, schools, districts, and tribes enable all students, particularly those who are poor, limited English proficient, migratory, or American Indian, to attain high academic standards. No comparable provision. Comparable activities are authorized under the Comprehensive Regional Assistance Centers.	<u>Strengthening the Capacity of State and Local Educational Agencies to Become Effective, Informed Consumers of Technical Assistance</u> Authorizes a program of formula grants to States and the 100 LEAs with the largest number of children in poverty to identify their needs for technical assistance in implementing ESEA programs and in implementing comprehensive standards-based education reform, select high-quality technical assistance services, and build their capacity for school improvement. Requires the Secretary to provide States and districts with consumer information to help them identify and choose among various sources and types of technical assistance. <u>Technical Assistance Centers Serving Special Needs</u> Authorizes two new technical assistance centers dedicated to improving teaching and learning for limited English proficient, migratory, Indian, and Alaska Native students.
<u>Parental Information Resource Centers</u> The Parental Information and Resource Centers (PIRCs) provide parents with training, information, and support in better understanding their children's educational needs and how to help	Reauthorizes the PIRCs with a shift in emphasis from providing direct assistance to parents, to providing technical assistance to States, LEAs, schools, and organizations that serve parents.

Current Law	Educational Excellence for All Children Act
their children achieve to high academic standards. The PIRCs are currently authorized under Title IV of the Goals 2000: Educate America Act.	
<u>Eisenhower Regional Mathematics and Science Education Consortia</u> Authorizes 10 regional consortia to provide States and school districts with technical assistance to improve math and science education.	Reauthorizes the Eisenhower Regional Consortia. Eliminates the requirement for a National Panel to make recommendations for awards. Streamlines the authority by deleting unnecessary definitions and other language.
<u>Technology-Based Technical Assistance Information Dissemination</u> Authorizes the Secretary to provide a technology-based technical assistance service that supports the administration and implementation of ESEA programs by providing information, including legal and regulatory information, and technical guidance and information about best practices, and that is accessible to all ESEA funding recipients. However, the statute does not provide an authorization of funds for this activity.	Authorizes appropriations for a national system, through the Worldwide Web and other advanced telecommunications technologies, that supports interactive information sharing among teachers, administrators, parents, and students and disseminates information about ways to improve educational practices throughout the Nation.

TITLE III – TECHNOLOGY FOR EDUCATION

Title III, Part A, Federal Leadership and National Activities

Authorizes the Secretary to carry out activities to provide Federal leadership in promoting the use of technology in education. Requires the Secretary to develop a national long-range technology plan.	Similar to current law. Requires the Secretary to update the national technology plan and to develop a strategy for promoting the full integration of technology into learning, opportunities for teachers to develop networks, and the commercial development of effective technology.
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Title III, Part B, Special Projects

Current Law	Educational Excellence for All Children Act
<u>Next Generation Technology Innovation Awards</u> (Incorporates Technology Innovation Challenge Grants (TICG) and Star Schools)	

<u>Purpose</u> TICG: To support projects that develop innovative uses of technology to improve teaching and learning. Star Schools: To encourage improved instruction in the core academic subjects and to serve underserved populations by providing support to partnerships to provide distance learning programs.	Consolidates Technology Innovation Challenge Grants and Star Schools into a single authority to expand knowledge about and develop new applications of educational technologies and telecommunications for teaching and learning.
<u>Eligible Applicants</u> TICG: Each grantee must include at least one LEA with a high number or percentage of poor children and an IHE, business, software designer, SEA, another LEA, or other appropriate entity. Star Schools: An entity established to develop and operate telecommunications networks to enhance educational opportunities and that represents the interests of schools that are eligible to participate in Title I; or a partnership that includes an SEA or an LEA and at least 2 of the following: (1) an LEA; (2) an SEA; (3) adult and family education programs; (4) an IHE; (5) a teacher training center; and (6) an entity with experience in planning and operating a telecommunications network.	A consortium that includes at least one SEA or LEA and at least one IHE, for-profit business, or other public or private entity with a particular expertise that would assist in carrying out the purposes of the program.

Current Law

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Priorities

TICG: Priority for projects that: (1) serve areas with high concentrations of poor children or greatest need for educational technology; (2) directly benefit students; (3) ensure ongoing, sustained professional development for educators; (4) ensure the sustainable use of technologies acquired through program funds; and (5) can demonstrate that consortium members will provide substantial contributions.

Star Schools: Priority for projects that: (1) are aligned with the National Education Goals or State standards; (2) provide services to programs serving adults; (3) serve schools with significant numbers of children counted for Title I; (4) serve a broad range of programs and institutions and provide a broad range of services; and (5) involve a telecommunications entity.

Authorizes the Secretary to establish one or more priorities, including priorities for projects that develop innovative uses of technology, projects that serve more than one State and involve large-scale innovations in the use of technology in education, projects that develop models for underserved populations, projects in which applicants provide substantial resources, and projects that develop innovative models for using electronic networks to provide challenging courses.

Uses of Funds

TICG: (1) developing, adapting, or expanding existing and new applications of technology to support school reform efforts; (2) improving student learning and supporting professional development; and (3) acquiring connectivity linkages and hardware and software.

Star Schools: (1) development, construction, acquisition, maintenance, and operation of telecommunications facilities and equipment; (2) development and acquisition of live, interactive instructional programming; (3) development and acquisition of preservice and inservice teacher training programs; (4) establishment of teleconferencing facilities; (5) obtaining technical assistance; and (6) coordination of design and connectivity of telecommunications networks to reach the greatest number of schools.

Requires grantees to use program funds to develop new applications of educational technologies. In addition, grantees may use program funds for activities such as developing models for improving the ability of teachers to integrate technology effectively into their classrooms, developing digital content, including multimedia software, digital video, and web-based resources, promoting school-family partnerships, using technology to make programs accessible to students with special needs, and acquiring connectivity linkages, distance learning networks, and needed hardware and software.

Current Law

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<u>Ready-to-Learn Digital Television</u> (currently Ready-to-Learn Television) Authorizes grants for the development and distribution of educational video for preschool and elementary school children and their parents. Eligibility for this purpose is limited to nonprofit entities with a demonstrated capacity to develop and distribute educational television programming for children and a demonstrated capacity to contract with producers of children's programming. Also authorizes Special Projects of National Significance, the establishment of a clearinghouse to increase access to Ready-to-Learn programs and projects, and the development and dissemination of training materials for parents and adults who work with young children.	Continues current program.
<u>Telecommunications Program for Professional Development in the Core Content Areas</u> (currently Telecommunications Demonstration Project for Mathematics) Authorizes a national telecommunications-based demonstration project to improve the teaching of mathematics.	Expands the authorization to provide for a demonstration covering the core content areas.
Requires applicant to use existing publicly funded telecommunications infrastructure to deliver video, voice, and data.	Requires the applicant to use the public broadcasting infrastructure, digital libraries, and school networks to deliver video and web-based resources.

Current Law

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<u>Community Technology Centers</u> <u>Program Authorized</u> No separate authorization; funded under the National Activities authority.	Establishes separate program authorization to create or expand community technology centers in high-poverty urban and rural communities and to provide technical assistance to such centers.
	<u>Eligible Applicants</u>

	SEAs, LEAs, community-based organizations, IHEs, for-profit businesses, public or private nonprofit organizations, or a consortium of such entities, that have the capacity to expand access to computers and related services in eligible communities.
	<u>Uses of Funds</u> Funds may be used to: (1) pay for a coordinator and staff; (2) acquire equipment and infrastructure; (3) provide after-school, adult education and family literacy, career development, and small business activities; and (4) provide home access to computers and technology.

Title III, Part C, Preparing Tomorrow's Teachers to Use Technology

<u>Program authorized</u> No separate authorization; currently funded under the National Activities authority.	Separate program authorization to prepare prospective teachers to use advanced technology to create learning environments conducive to preparing all students to achieve to high standards.
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Educational Excellence for All Children Act

	<u>Eligible Applicants</u> A consortium that includes at least one IHE that prepares individuals for entry into teaching, an SEA or an LEA, and one or more appropriate entities.
	<u>Uses of Funds</u> Funds must be used to: (1) create programs that prepare prospective teachers to use advanced technology to create learning environments conducive to preparing all students to achieve to high standards and (2) evaluate the effectiveness of the project. Funds may also be used to: (1) develop alternative teacher development paths, (2) develop standards and assessments to measure the capacity of prospective teachers to use technology effectively, (3) provide technical assistance and disseminate information to other teacher preparation programs, and (4) acquire equipment and infrastructure. Projects may use not more than 10 percent of their funds to acquire equipment and infrastructure. The non-Federal share of any such purchase must be in cash.

Title III, Part D, Regional, State, and Local Educational Technology Resources

<u>Technology Literacy Challenge Fund</u> <u>Purpose</u> No specific purpose for the State formula grant program. The purpose of Title III is to support a comprehensive system for the acquisition and use of technology and technology-enhanced	To increase the capacity of States and LEAs to improve student achievement, particularly in high-poverty, low-performing schools, by supporting State and local efforts that: (1) make
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Current Law	Educational Excellence for All Children Act
curricula, instruction, and administrative support resources and services to improve the delivery of educational services.	effective use of new technologies and technology applications, networks, and electronic learning resources; (2) utilize research-based teaching practices that are linked to advanced technologies; and (3) promote sustained and intensive, high-quality professional development.
<u>Use of Grants</u> At least 95 percent of State allocation is used for competitive awards to LEAs. Requires States to provide technical assistance in preparing an application to LEAs identified as having the highest number or percentage of poor children and demonstrate the greatest need for technical assistance.	No change except that a State may use up to 2 percent of the amount available for local awards to provide planning grants to LEAs to help them develop the local technology plans required to apply for program funds. Requires States to give a priority to partnerships that include at least one LEA that is among LEAs in the State with the highest numbers or percentages of poor children and includes one or more low-performing schools. Same as current, with the additional requirements that SEAs assist the identified LEAs to form partnerships to apply for program funds and to establish performance indicators and methods for measuring program outcomes against the indicators.
<u>State Application</u> Application includes a statewide technology plan that includes: (1) long-term strategies for financing technology in the State,	Application is to include a new or updated statewide educational technology plan that is coordinated with and supports the State

Current Law	Educational Excellence for All Children Act
including a description of how business, industry, and other public and private agencies can participate in the planning, implementation, and support of the plan; and (2) how the State will provide assistance to LEAs the have the highest percentage or number of poor children and demonstrate the greatest need for technology to implement their local technology plans.	plan for comprehensive standards-based education reform. Also sets forth nine elements for the plan.
<u>Local Use of Funds</u> Authorizes LEAs to use program funds to: (1) develop, adapt, or expand applications of educational technology; (2) fund projects to improve student learning; (3) acquire Internet connections and purchase hardware and software; (4) provide professional development; (5) implement wide area networks; and (6) provide educational services for parents and families.	Authorizes eight uses of funds that include: (1) adapting or expanding existing applications of technology; (2) providing professional development to enable teachers to integrate technology into curriculum; and (3) assisting schools to use technology to promote parent and family involvement.
<u>Local Applications</u> Application includes a local technology plan that includes descriptions of: (1) how the LEA will involve the general public in the development of the plan; (2) how the LEA would use technology to promote equity in education and provide access to best teaching practices and curriculum resources; and (3) how the LEA would evaluate technologies acquired with program funds.	Adds additional requirements to: (1) describe how program funds would benefit low-performing schools; (2) describe how the applicant would ensure that technology was available to, and usable by, all students; and (3) if the applicant is a partnership, provide a description of the partnership.
<u>Definitions</u> No definitions specifically for the State formula grant program; 11 broad definitions that are applicable to Title III in general.	Defines “eligible local applicant” and “low-performing school” to better target funds on high-poverty schools with the greatest need for educational technology.

Regional Technology in Education Consortia**Program Authorized**

Authorizes grants to regional consortia that must include SEAs, IHEs, and nonprofit organizations, or a combination thereof.

Consortia provide professional development designed to prepare teachers to help all students learn through the use of technology. Consortia may also develop training resources for elementary, secondary, and adult education; provide referrals to other sources of technical assistance and professional development; and help IHEs establish programs that prepare teachers to use educational technology in their classrooms.

Consortia collaborate with SEAs and LEAs in helping schools that serve large numbers of disadvantaged students with limited access to technology.

Continues current program.

TITLE IV – SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES**Distribution of Funds**

Includes separate authorizations for State Grants and National Programs. State Grants are allocated half on the basis of school-aged population and half on the basis of State shares of Title I funding. Governors receive 20 percent, and SEAs 80 percent, of each State's allocation.

SEAs are required to subgrant at least 91 percent of their allocations by formula to LEAs; these subgrants are based on enrollment (70 percent) and "greatest need" (30 percent). All

Includes separate authorizations for State, Grants, National Programs, and Project SERV. State Grants would be allocated on the same basis as in current law.

SEAs would be required to award at least 70 percent of their allocations competitively to LEAs based on objective measures of need and on the quality of the LEA's proposed programming, in

Current Law

LEAs are eligible for funding based on enrollment. SEAs determine the criteria for selecting greatest need LEAs and are required to target their greatest need funds on no more than 10 percent or up to 5 of their LEAs, whichever is greater. SEAs may retain up to 5 percent of their allocations for State-level program activities, which may include training and technical assistance to LEAs, and may retain (in addition) up to 4 percent for administration.

Governors are required to award at least 95 percent of their allocations competitively to public entities and private nonprofit organizations, and in doing so, must give priority to programs and activities for:

- (a) children and youth who are not normally served by SEAs and LEAs,
- and (b) populations that need special services or additional resources;

and may retain up to 5 percent for administration.

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sufficient amounts to support effective programming. SEAs would be required to make such awards to 50 percent or fewer of the LEAs in the State, unless the State can demonstrate that the SEA can fund more than 50 percent of its LEAs and still make awards of sufficient size to support effective programming. In addition, SEAs would be permitted to use up to 10 percent of their allocations for non-competitive awards to LEAs with the greatest need for assistance that do not receive a competitive award.

Governors would be required to award at least 80 percent of their allocations competitively to public entities and private nonprofit organizations to support community efforts that directly complement the efforts of LEAs to foster drug-free, safe, and orderly learning environments in and around schools.

SEAs and Governors would each be required to use at least 10 percent (but not more than 20 percent) of their allocations for jointly administered State-level program activities that include planning, developing, and implementing capacity building, technical assistance, and accountability services to support the effective implementation, accountability, and improvement of local drug and violence prevention activities throughout the State. Within this 20 percent cap, the SEA and Governor may provide emergency intervention services to schools and communities following a traumatic crisis, such as a shooting, major accident, or drug-related incident that has disrupted the learning environment. Also within the 20 percent cap (but in addition to the 10 percent minimum) for State-level activities, SEAs and Governors may each use up to 5 percent of their total allocations for program administration.

Current Law

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Minimum Program Requirements

LEAs are required to use their Safe and Drug-Free Schools funds to carry out a comprehensive drug and violence prevention program, and must conduct a needs assessment of their students' drug and violence problems, establish measurable goals and objectives for addressing those problems, and assess and publicly report progress toward attaining their goals and objectives. Governors are subject to similar requirements.

Principles of Effectiveness. LEAs and Governors award recipients would be required to use their Safe and Drug-Free Schools funds to support drug- and violence-prevention services and activities that are: (1) based on a thorough assessment of objective data about the drug and violence problems in the schools and communities to be served; (2) designed to meet measurable goals and objectives aimed at ensuring that all schools served have a drug-free, safe, and orderly learning environment; (3) based on research or evaluation that provides evidence that the strategies used prevent or reduce drug use, violence, or disruptive student behavior; and (4) evaluated periodically to assess progress toward achieving their stated goals and objectives, and refined, improved, and strengthened (or the goals and objectives refined), as appropriate.

Additional Accountability Provisions. State and local recipients of Safe and Drug-Free Schools funds would be required to adopt outcome-based performance indicators and to report regularly on their progress. Continuation of local grants would be conditioned upon achievement of satisfactory progress toward meeting performance targets. School districts would also be required to develop a comprehensive "Safe Schools Plan" to ensure that essential program components are in place and that school efforts are coordinated with related community-based activities.

National Programs

Establishes a broad discretionary authority for drug and violence prevention activities at the pre-kindergarten through postsecondary levels including (but not limited to) training, demonstrations, direct services to school districts, information dissemination, and program evaluation. Includes a separate authority for hate crimes prevention grants.

Retains a broad discretionary authority for activities that promote drug-free, safe, and orderly learning environments at the pre-kindergarten through postsecondary levels. Eliminates the separate authority for hate crimes prevention grants (but retains hate crimes prevention activities under the broad discretionary authority). Adds a new authority for programs that promote lifelong physical fitness activity and healthy lifestyles.

Current Law

Educational Excellence for All Children Act

Project SERV

No explicit authorization; however, comparable activities are implicitly

Would establish a new program to help school districts and

authorized under the current National Programs.	communities respond to violent or traumatic crises.
<u>Gun-Free Schools Act</u> The Gun-Free Schools Act (GFSA) states that each State receiving Federal funds under the ESEA must have a State law that requires all LEAs in the State to expel from school for at least one year any student found bringing a firearm to school. Such State laws must also authorize the LEA chief administering officer to modify any such expulsion on a case-by-case basis. Currently, the GFSA is authorized under ESEA General Provisions, Title XIV, Part F.	Would incorporate the GFSA under the SDFSCA with modifications requiring that students found in possession of a firearm in school be assessed to determine whether they pose an imminent threat of harm to themselves or others. To ensure that these students remain connected to stable, supervised environments, students would have to receive appropriate counseling, supervision, and educational services while they are out of school, and appropriate treatment before they can return to school.
<u>Pro-Children Act.</u> The Pro-Children Act of 1994 (Part C of Title X of the Goals 2000: Educate America Act) generally prohibits smoking indoors in schools or other facilities where children's services are supported with Federal funds from the Departments of Education, Health and Human Services, and Agriculture, and authorizes civil penalties for persons who violate such prohibition.	<u>Drug-, alcohol-, and tobacco-free learning environments.</u> Under Title IV, school districts receiving Safe and Drug-Free Schools funds would be required to prohibit the possession or use of tobacco and the illegal possession or use of drugs or alcohol in any form, at school, on school grounds, or at school-sponsored events. In addition, the Department of Education would be removed from the Pro-Children Act requirements (but the requirements would remain for the Departments of Health and Human Services and Agriculture.)

TITLE V – PROMOTING EQUITY, EXCELLENCE, AND PUBLIC SCHOOL CHOICE

Title V, Part A, Magnet Schools Assistance

Current Law

Educational Excellence for All Children Act

<u>Application Priorities</u> Gives priority to applicants that: (1) demonstrate the greatest need for assistance; (2) propose new or significantly revised magnet school projects; and propose projects that (3) select students by lottery rather than through testing, (4) implement innovative approaches consistent with State plans, and (5) draw on comprehensive community involvement plans.	Deletes priorities for "demonstrating need" and "drawing on community involvement plans." Adds new priority for activities that will build local capacity to operate the magnet program once Federal assistance ends.
<u>Innovative Programs</u> Authorizes the Secretary to reserve up to 5 percent of Magnet Schools Funds for "Innovative Programs" that involve desegregation approaches other than magnet schools.	✓ Repeals Innovative Programs; incorporates an innovative programs activity under the new choice "OPTIONS" program.
<u>Uses of Funds</u> Allowable uses of grant funds include: planning and promotional activities, purchase of books, materials, and equipment, and to pay or subsidize salaries of State-certified or licensed elementary and secondary school teachers and other instructional staff.	Clarifies that funds may be used for instructional staff who "demonstrate knowledge, experience, or skills in a relevant field of expertise, such as the performing arts, medical sciences, or law." Adds a new allowable use of funds for activities, including professional development, that will build local capacity to operate magnet programs after Federal assistance ends.
<u>Evaluation</u> Authorizes a reservation of up to 2 percent for evaluation and defines minimum evaluation requirements.	Permits a reservation of up to 5 percent for evaluation, technical assistance, and information collection and dissemination on successful magnet school programs. Adds a new requirement that evaluations address the extent to which magnet school programs continue after Federal assistance ends.

Title V, Part B, Charter Schools

Authorizes the planning, development, and initial implementation of charter schools that provide enhanced parental choice and are exempt from many statutory and regulatory requirements.

No changes proposed. Program is authorized through fiscal year 2002.

Title V, Part C, OPTIONS: Opportunities to Improve Our Nation's Schools

No comparable program.

Purpose

To identify and support innovative approaches to high-quality public school choice.

Program Authorized

Competitive grants to State and local educational agencies of up to three years. Projects could include such choice options as: (1) inter-district approaches; (2) programs involving public school partnerships with institutions of higher education located on college campuses; (3) work site satellite schools at parents' place of employment; and (4) approaches to school desegregation through choice strategies other than magnet schools.

Evaluations

Authorizes evaluations to determine the extent to which programs: (1) promote educational equity and excellence; (2) are held accountable to the public, (3) are effective in improving public education, and (4) are accessible to all students.

Title V, Part D, Women's Educational Equity

Authorizes: (1) local projects to develop model equity programs and implement gender equity policies and learning practices and (2) research and development activities to advance gender equity.

Eliminates current requirement that two-thirds of program funds be used for local projects.

TITLE VI – CLASS-SIZE REDUCTION

Current Law

Educational Excellence for All Children Act

<u>Program Authorized</u> Title VI currently authorizes the “Innovative Education Program Strategies” program. (See pp. 13-17 for additional information.) The FY 1999 ED appropriations act authorized, for one year, the Class Size Reduction program under Title VI. Remaining Title VI entries in this column describe the program as authorized in the 1999 appropriation.	Replaces Innovative Education Program Strategies with Class- Size Reduction.
<u>Findings and Purpose</u> None.	Sets out 7 findings in support of the new Title VI and establishes the program’s purpose as helping States and LEAs to recruit, train, and hire 100,000 additional teachers to: (1) reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per classroom; and (2) improve teaching in the early grades so that all students can learn to read independently and well by the end of the third grade.
<u>State Applications</u> No State application is required; however, the Department has required States to submit brief applications prior to receiving their first-year allocation.	Requires applications to include: (1) the State's goals for reducing average class sizes in regular classrooms in grades 1 through 3; (2) descriptions of the SEA's plans for allocating program funds

Current Law

Educational Excellence for All Children Act

	within the State and how the State will use other funds, including other Federal funds, to reduce class sizes and improve teacher quality and reading achievement within the State; and (3) an assurance that the SEA will submit such reports and information as the Secretary may reasonably require.
<u>Local Applications</u> Requires LEAs to describe, as a part of their applications for Innovative Education Program Strategies funds, their plans to reduce class size by hiring highly qualified teachers.	Requires LEAs to submit an application that describes their plans to reduce class size by hiring highly qualified teachers.
<u>Small LEAs</u> Requires any LEA that receives an allocation that is less than the starting salary for a new teacher to form a consortium with at least one other LEA for the purpose of reducing class size.	Allows an LEA that receives an allocation that is less than the starting salary for a new teacher to: (1) form a consortium with one or more LEAs for the purpose of reducing class size; (2) help pay the salary of a full- or part-time teacher hired to reduce class size; or (3) if the subgrant is less than \$10,000, use it for professional development related to teaching in small classes.
<u>Cost-Sharing Requirement</u> No matching requirement.	No matching requirement for LEAs with child-poverty rates greater than 50 percent. For other LEAs, the Federal share is 65 percent.
<u>Reporting Requirements</u> Each school receiving program funds, or the LEA serving it, provides an annual report to parents, the general public, and the SEA on student achievement that results from hiring additional highly qualified teachers and reducing class size.	No comparable provision.

Current Law	Educational Excellence for All Children Act
States are required to report on program activities as a part of their biennial Title VI performance reports.	States submit an annual report to ED on activities carried out with program funds.
<u>Authorization of Appropriations</u> Provides an appropriation only for fiscal year 1999.	 Authorizes "such sums" for five fiscal years.

**TITLE VII – BILINGUAL EDUCATION, LANGUAGE ENHANCEMENT,
AND LANGUAGE ACQUISITION PROGRAMS**

Title VII, Part A, Bilingual Education

<u>Bilingual Education Capacity and Demonstration Grants</u> Authorizes 4 separate discretionary grant that primarily support grants to school districts for instructional services. No comparable provision. Requires grantees to evaluate their projects every two years.	 Collapses two of the grant activities, Program Development and Implementation Grants and Enhancement Grants, into a single three-year grant activity. Authorizes competitive priorities for (1) school districts with little prior experience in serving limited English proficient students and that have rapidly growing populations of such students and (2) grant applicants that demonstrate they have an effective program for helping LEP students learn English and achieve to high standards. Adds requirements that applications include baseline data on the performance of limited English proficient students who will participate in the project and requires grantees to evaluate the projects annually to, among other things, assess the English language proficiency of participating students.
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Current Law	Educational Excellence for All Children Act
The Secretary must terminate “comprehensive” and “systemwide” grants that cannot show that LEP students are making adequate progress in learning English and achieving to high academic standards.	Projects failing to demonstrate continuous and substantial progress in three years are required to submit a plan for project improvement for the Secretary's review. If grantees fail to make progress after implementing the plan, the Secretary is required to terminate the grant.
<u>Research, Evaluation, and Dissemination</u> Authorizes among other activities, Academic Excellence grants to SEAs, LEAs, non-profits, and institutions of higher education for the dissemination of information on model instructional and professional development programs.	Authorizes Academic Excellence grants to SEAs, for recognizing local, educational agencies and other public and non-profit entities whose programs have demonstrated significant progress in assisting limited English proficient students in learning English within three years and meeting the same challenging State content standards expected of all children.
<u>Professional Development</u> Authorizes four grant programs for assisting institutions of higher education and others to provide preservice and inservice training for teachers preparing to serve limited English proficient students. Projects are to be evaluated every two years.	Focuses each of the four existing programs on either preservice or inservice training. The Training for all Teachers Program would focus exclusively on the provision of inservice training to teachers and other educational personnel with a BA degree. The Bilingual Education Teachers and Personnel Grants would focus exclusively on preservice professional development. The Career Ladder program would focus exclusively on inservice training for educational personnel who do not have a BA degree. The proposal would eliminate the authorization for postdoctoral fellowships under the Bilingual Fellowship program. Projects would be evaluated annually.

Title VII, Part B Emergency Immigrant Education

Authorizes formula grants to States for subgrants to local educational agencies to improve the quality of instruction for	Authorizes States to award all or any part of their allocation to LEAs on a discretionary basis. Authorizes States to retain 2
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Current Law

Educational Excellence for All Children Act

recent immigrant students in districts where they are concentrated. When the appropriation exceeds \$50 million, States may use up to 20 percent of their award for discretionary grants to LEAs. States can retain 1.5 percent of their award for administrative costs

percent of their award for administrative costs if they decide to make awards to LEAs on a discretionary basis.

TITLE VIII – IMPACT AID

Overview

Provides financial assistance to school districts affected by federally connected children or Federal land.

Amends current law to target funds to school districts based on the degree to which they are negatively impacted.

Payments for Federal Property

Section 8002 – Eligibility

Provides funds to school districts where the Federal Government has acquired, since 1938, 10 percent or more of the assessed value of real property.

Includes special fixes that grant eligibility to specific school districts and makes eligible property that does not meet the general standard for eligibility for payments.

Targets funds to school districts where the current estimated assessed value of Federal real property acquired since 1938 is at least 10 percent of the total current assessed value of real property in the school district.

Eliminates the special fixes.

Section 8002 – Formula

Provides funds based on a maximum amount, which is the product of : (1) the estimated assessed value of Federal property (based on the highest and best use of the property); and (2) the real property tax rate for current school expenditures.

Retains the calculation of the maximum amount.

Current Law

Educational Excellence for All Children Act

Includes a hold-harmless provision that provides LEAs with at least 85 percent of FY 1996 payments for payments in subsequent years.

Includes a priority payments provision that enables some LEAs to receive a larger percentage of their maximum amount than they would otherwise receive and special payments that enable some LEAs to receive a supplemental grant for Federal property if they meet the criteria in the special fixes.

Basic Support Payments

Section 8003(b) – Eligibility

Compensates school districts for “a” and “b” children, those children whose parents either work or reside on Federal property. The “a” children are (1) children living on Indian lands; (2) children of members of the uniformed services living on Federal property; (3) children of Federal employees who both live and work on Federal property; or (4) children of foreign military officers living on Federal property. The “b” children are other types of federally connected children who reside with their parents who either live or work on Federal property, but not both.

At least 400 or 3 percent of students in average daily attendance must be federally connected for a school district to be eligible for payment.

Includes a provision that provides phase-out payments for LEAs that do not meet the new eligibility criteria. These payments would provide LEAs with a minimum of 75 percent of their FY 1999 payment in FY 2001, 50 percent of the FY 1999 payment in FY 2002, and 25 percent of their FY 1999 payment in 2003.

Deletes priority and special payments.

Compensates school districts for “a” children only.

Any school district with “a” students is eligible for payment.

Section 8003(b) – Formula

Calculates maximum payments based on the product of the number of weighted eligible students and the highest of four local contribution rate options. The rates are: (1) one-half of the average State per-pupil expenditure (SPPE); (2) one-half of the average US per-pupil expenditure; (3) the local contribution rate of comparable LEAs; and (4) the SPPE multiplied by the local contribution percentage for the State.

Includes a mechanism, referred to as the Learning Opportunity Threshold (LOT), for reducing payments when funds are insufficient to fund maximum payments fully. This mechanism favors school districts that either: (1) have large proportions of federally connected students or (2) rely on Impact Aid for a large proportion of their funds. The LOT percentage is multiplied by the maximum payment to determine the LOT payment. The LOT percentage is the sum of the percentage of unweighted federally connected students in average daily attendance and the maximum payment as a percentage of current expenditures.

Creates several exceptions for a small number of school districts for weights to be assigned to students and use of the LOT.

Includes a hold-harmless provision (under Section 8003(e)) that provides for payments of not less than 85 percent of the preceding year's payment for a maximum of two consecutive years.

Calculates maximum payments based on the product of the number of weighted eligible students and the highest of three local cost rate options. The options are: (1) the local contribution percentage multiplied by the US average per-pupil expenditure; (2) the local contribution rate of comparable LEAs; and (3) the SPPE multiplied by the local contribution percentage for the State.

Revises the LOT to be the sum of: (1) 50 percent; and (2) one-half of the percentage of federally connected students.

Clarifies that funds are ratably increased or decreased from the LOT payment (but may not exceed the maximum payment) when the appropriation is insufficient to fund maximum payments fully.

Eliminates these exceptions.

Eliminates the hold-harmless payment.

Current Law

Educational Excellence for All Children Act

<u>Payments for Children with Disabilities</u> <u>Section 8003(d) – Eligibility</u> Three types of students generate funds: Indian "a's;" military "a's;" and military "b's."	
<u>Section 8003(d) -- Use of funds</u> Funds must be used to provide a free appropriate public education to eligible children in accordance with the Individuals with Disabilities Education Act.	Funds may be used to provide either a free appropriate public education or early intervention services.
<u>Payments for Heavily Impacted LEAs (Section 8003(f))</u> Provides multiple sets of complex eligibility criteria and formulas. Allows LEAs to qualify for these needs-based funds even when their tax effort is less than that of comparable school districts.	Provides for a single set of eligibility criteria. LEAs must have an enrollment of at least 40 percent federally connected "a" students and a tax rate of at least 100 percent of comparable LEAs to be eligible. A single formula would be used to determine the maximum payments. It would reflect the unmet cost of educating a student. Unmet cost would be computed by reducing the cost of educating federally connected students by the amount of the LEA's resources available for current expenditures, including its Basic Support Payment and Payment for Children with Disabilities.
<u>Additional Payments for LEAs with High Concentrations of Children with Severe Disabilities (Section 8003(g))</u> Funds would be paid on behalf of children with severe disabilities.	Repeals this payment authority, which has never been funded.

Current Law	Educational Excellence for All Children Act
<u>Policies and Procedures Relating to Children Residing on Indian Lands (Section 8004)</u> Includes language designed to ensure that: (1) Indian children participate in education programs on an equal basis and (2) Indian parents and tribes have an opportunity to provide input on the LEA's education programs.	Adds language requiring LEAs that serve children living on Indian lands to put in place a set of policies and procedures to encourage fuller participation by Indian tribes and parents. In addition, the language clarifies that Impact Aid funds may be spent for specific purposes to benefit Indian children.
<u>Payments for Sudden and Substantial Increases in Attendance of Military Dependents (Section 8006)</u> Provides payments for large rapid increases of military dependents within an LEA.	Repeals this authority, which has never been funded as authorized in 1994.
<u>Construction (Section 8007)</u> Provides payments for construction for LEAs that receive a Basic Support Payment and: (1) have at least 50 percent Indian "a" students; (2) have at least 50 percent military "a" and "b" students; (3) receive a Payment for Heavily Impacted LEAs; or (4) receive a payment for Sudden and Substantial Increases in Attendance of Military Dependents. Funds are distributed based on the weighted student count in the Basic Support Payments formula.	Focuses all funds on predominantly Indian districts. Provides payments for construction and minimal initial equipment purchased in connection with a new building or the renovation of an existing building. An LEA is eligible if it receives a Basic Support payment and has at least 50 percent Indian "a" students. Funds are distributed on a pro rata basis. LEAs are required to provide a 50 percent match and provide a written plan, based on an assessment of construction needs, on how the LEA would use the funds.
<u>Facilities Maintenance (Section 8008)</u> Enables the Secretary to provide for the upkeep of school facilities that generally serve military "a" and "b" students and are owned by the Federal Government. The Secretary is required to transfer these school facilities to LEAs or other appropriate entities as soon as practicable.	Retains this authority with no substantive changes.

Current Law

Educational Excellence for All Children Act

<u>State Consideration of Payments in Providing State Aid (Equalization Provisions, Section 8009)</u> Prohibits States from reducing State aid based on Impact Aid payments unless the State has equalized current expenditures for education.	Adds a provision that a State's per-pupil expenditure must be at least 80 percent of the U.S. average before it is eligible to reduce State aid based on Impact Aid payments.
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TITLE IX – INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Title IX, Part A, Indian Education

<u>Purpose</u> Provides formula grants to LEAs, the Bureau of Indian Affairs (BIA), and tribally controlled schools and discretionary grants to SEAs, LEAs, IHEs, and Indian institutions designed to improve the quality of instruction that Indian students receive.	No change
<u>Formula Grants to Local Educational Agencies</u> If an eligible LEA fails to establish a parent advisory committee, permits an Indian tribe that represents at least half of the LEA's Indian students to apply instead. Authorizes formula grants to schools operated or supported by BIA.	Clarifies that Indian tribes that apply in place of an LEA are treated as LEAs except that they are not subject to statutory requirements relating to parent committees, maintenance of effort, or submission of grant applications for SEA review. Clarifies that BIA schools must submit an application to the Secretary but are not subject to statutory requirements related to parent committees, maintenance of effort, or SEA review of applications. Also, exempts BIA schools from documenting student eligibility, which is required of LEAs.

Current Law	Educational Excellence for All Children Act
Authorizes grantees to conduct a range of activities related to improving the quality of education for Indian students.	Adds activities: incorporating Indian-specific content and culturally responsive teaching strategies into curriculum; promoting coordination between tribal, Federal, and State public schools; and gifted and talented education.
<u>Demonstration Grants</u> Authorizes demonstration grants to SEAs, LEAs, tribes and tribal institutions for innovative programs for educationally deprived children and for other purposes.	Adds requirement that applicants demonstrate that their proposed program is research based.
<u>Professional Development Grants</u> Requires participants that receive grants to work in a field related to their training and benefiting the Indian community or pay back the amount of their award.	Exempts participants that receive inservice training from the requirement. Adds authority for professional development grants to consortia of tribal colleges and institutions of higher education that award a degree in education.
<u>Additional Discretionary Programs</u> Authorizes activities in the area of: (1) strengthening tribal departments of education; (2) gifted and talented education; (3) postsecondary fellowships; and (4) adult education.	Repeals these unfunded programs, because they duplicate other activities.

Title IX, Part B, Native Hawaiian Education

Authorizes seven separate programs for the education of Native Hawaiians and to encourage their participation in program planning and management: (1) Native Hawaiian Education	Consolidates the seven programs into one program authority, while allowing continuation of the full array of activities under current programs.
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Current Law

Educational Excellence for All Children Act

Council and Island Councils; (2) Family-Based Education Centers; (3) Higher Education Program; (4) Gifted and Talented Program; (5) Special Education Program; (6) Curriculum Development, Teacher Training and Recruitment Program; and (7) Community-Based Education Learning Centers.

Title IX, Part C, Alaska Native Education

✓ Authorizes three separate programs for the education of Alaska Natives: (1) Educational Planning, Curriculum Development, Teacher Training and Recruitment; (2) Home Based Education for Preschool Children; and (3) Student Enrichment.

✓ Consolidates the three programs into one program authority, while allowing continuation of all activities under current programs.

TITLE X – PROGRAMS OF NATIONAL SIGNIFICANCE

Title X, Part A, Fund for the Improvement of Education

Purpose

Authorizes the Secretary to support nationally significant programs and projects to improve the quality of education, help students achieve to high standards, and help achieve the National Education Goals.

Clarifies that this authority is for projects to improve elementary and secondary education.

Authorized Activities

Authorizes over 20 specific activities.

Simplifies and reduces the list of authorized activities, although the general authority would continue to authorize the activities that have been deleted.

Current Law	Educational Excellence for All Children Act
<u>Program Evaluation</u> Requires the Secretary to ensure that activities are designed so that their effectiveness can be ascertained.	Requires applicants to establish goals and objectives, describe how proposed activities would help meet those goals and objectives, and describe how achievement of those goals and objectives would be evaluated. Requires all grantees to submit a comprehensive evaluation at the mid-point and end of their projects.
<u>Award Requirements</u> No comparable provisions.	Authorizes the Secretary to require grantees to provide matching funds from non-Federal sources. Also authorizes the Secretary to limit competitions to particular types of entities.
<u>Elementary School Counseling Demonstrations</u> Authorizes grants of up to \$400,000 to LEAs to initiate or expand elementary school counseling programs.	Repealed.
<u>Character Education</u> Authorizes up to 10 grants per year to SEAs, in partnership with LEAs, to implement programs that incorporate character education. Limits funding to \$1 million per State. Requires applicants to form and describe partnerships, describe project goals and activities, conduct a project evaluation, and establish a State clearinghouse on character education. Lists the elements of character: caring; civic virtue and citizenship; justice and fairness; respect; responsibility; and trustworthiness.	Authorizes grants to SEAs, LEAs, and consortia of such agencies. Drops limits on the number of grants made per year and funding. Drops requirement for formal partnership. Requires a description of the linkages among the character education program and existing reform efforts at the State and local level. Drops requirement for each grantee to establish a clearinghouse. Eliminates this list. Applicants would have the flexibility to decide what elements of character are important to their community.

Current Law

Educational Excellence for All Children Act

No comparable provision.	✓ Authorizes the Secretary to support research, development, dissemination, technical assistance, and evaluation activities to improve character education projects being supported. Funds could be used to investigate and evaluate the effectiveness of specific instructional models and practices, to provide assistance directly to grantees, to conduct a national evaluation of the character education program, and to establish a national clearinghouse of information on character education.
<u>Promoting Scholar-Athlete Competitions</u> Authorizes grants to reimburse an organization for the costs of conducting scholar-athlete games.	Repealed.
<u>Smaller Learning Communities</u> Authorizes grants to LEAs to create smaller learning communities.	Repealed, but activities to create smaller learning communities are explicitly authorized under FIE.
<u>National Student and Parent Mock Election</u> Authorizes grants to national nonprofit nonpartisan organizations to promote voter participation by carrying out voter education activities with students and their parents.	Repealed.
<u>Model Projects</u> Authorizes grants to cultural institutions to develop and expand model projects of outreach activities for at-risk children.	Repealed.

Title X, Part B, Gifted and Talented Children

Authorizes grants or contracts to public and private agencies to support activities that meet the educational needs of gifted and talented students. Requires a National Center for Research and Development in the Education of Gifted and Talented Children and Youth. Mandates an evaluation of the program.	Makes minor revisions. Requires the National Center to focus on dissemination of the results of Center activities to schools with high percentages of economically disadvantaged students. Authorizes, rather than mandates, program evaluation.
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Title X, Part C, International Education Program

<u>Administrative Amendments</u> Resides in Title VI of the Goals 2000: Education America Act (P.L. 103-227)	Transfers the International Education Program to Part C of Title X of the ESEA.
<u>Program Focus – Assessment and Information</u> Requires the Secretary to support research that assesses the education systems of other foreign countries, particularly Great Britain, France, Germany, and Japan.	No changes.
<u>Program Focus – International Education Exchange</u> Requires the Secretary to support education exchange activities in civics, government, and economic education between the United States and eligible countries in Central and Eastern Europe, the Commonwealth of Independent States, and any former Soviet republic. Awards are intended to make American curricular innovations in civics and economics available to educators in eligible countries, as well as to create programs that provide American students with exposure to the history and experiences of eligible countries.	Extends eligibility to the Republic of Ireland, Northern Ireland, and “any other emerging democracy in a developing country.”

Title X, Part D, Arts in Education

Provides grants to the John F. Kennedy Center for Performing Arts for its education program and to Very Special Arts for its programs to encourage greater involvement of persons with disabilities in the arts. All program funds go to these two organizations in years in which the appropriation is \$9 million or less. Also authorizes national demonstration and Federal leadership activities to encourage the integration of the arts into the school curriculum.

Eliminates required set-aside for the Kennedy Center and Very Special Arts. Adds an authorized activity to "support model arts and cultural programs for at-risk youth, particularly programs that use arts and culture to promote students' academic progress."

Title X, Part E, Inexpensive Book Distribution Program

Awards funds to Reading is Fundamental to provide, through aid to local nonprofit groups and volunteer organizations, reading motivation activities.

No change.

Title X, Part F, Civic EducationProgram Focus – Instruction on History & Democracy

To educate students in public and private schools about the history and principles of the Constitution and the Bill of Rights, and to foster civic competence and responsibility. Activities include courses on the Constitution, simulated congressional hearings, and a national competition of simulated hearings amongst secondary school students.

No changes.

Current Law	Educational Excellence for All Children Act
<u>Program Focus – Instruction in Civics, Government & the Law</u> Authorizes awards to SEAs, LEAs, and other public and private non-profit agencies, organizations, and institutions to assist students in achieving State content standards in civics, government, and the law. Funding could be used for curricular development, professional development, increased community involvement in civics education, or technical assistance.	Repealed.

Title X, Part G, 21st Century Community Learning Centers

<u>Purpose</u> Authorizes the Secretary to award grants to rural and inner-city public schools or consortia of schools to plan, implement, or expand projects that benefit the educational, health, social service, cultural, and recreational needs of a rural or inner-city community.	Clarifies that the eligible recipients of grants are LEAs, applying on behalf of schools. Requires that funds be targeted to communities with a substantial need for expanded learning opportunities, as evidenced by a high percentage of low-achieving students and lack of resources. Expands list of acceptable locations to include small cities, in addition to inner cities and rural areas.
<u>Application Requirements</u> Requires the application to include: a comprehensive plan; an evaluation of needs, resources, goals, and objectives for the proposed project; and a description of project activities and collaborative efforts.	Requires grantees to provide at least half of the cost of the project from other sources – in cash or in kind. Requires grantees to expend, from non-Federal sources, at least as much each year as in the preceding year. Requires information on how the applicant will continue the project after the grant ends.

Current Law

Educational Excellence for All Children Act

<u>Priority</u> Requires the Secretary to give priority to projects that offer a broad selection of services that address the needs of the community.	Adds a new priority for projects that offer significant, expanded learning opportunities for children and youth in the community.
<u>Community – Based Organizations</u> No comparable provision	Authorizes the Secretary to reserve up to 10 percent of the funds appropriated in any fiscal year to make grants to community-based organizations. Requires an application submitted by a community-based organization to contain evidence that the affected LEAs concur with the proposed project.
<u>Allowable Activities</u> Provides a list of 13 allowable activities, of which at least four must be included in a funded project.	Requires that all projects offer significant expanded learning opportunities, such as before and after school, for children and youth in the community. The list of 13 activities would remain allowable uses of funds, but none would be mandatory.
<u>Definition of “Community learning center”</u> Defines “community learning center” as an entity within a public school building that provides a variety of services for residents of all ages and is operated by a local educational agency in conjunction with other public and private agencies and organizations.	Modifies the definition to require the entity to provide expanded learning opportunities and permit the entity to provide services that address other needs. Would mandate that a center operated by a local educational agency be located within a public elementary or secondary school building.

Title X, Part H, High School Reform

<u>Program Authorized</u> No comparable program.	Supports the planning and implementation of educational reforms in high schools, particularly high-poverty urban and rural high schools. Authorizes competitive awards to LEAs. Requires, to the extent possible, that a majority of awards are made to assist high schools that participate in Title I programs or serve a high-poverty attendance area. Grants are for up to 3 years.
	<u>Program Focus</u> Carry out reforms to ensure that each high school assisted: (1) is a place where students receive individual attention and support; (2) provides all students with challenging coursework; (3) motivates all students to learn; (4) provides students with a continuous and integrated education; (5) helps students achieve their academic and career goals; and (6) functions as a center for the community.
	<u>Incentive Payments</u> Authorizes incentive payments to teachers and administrators in selected grantee schools if their students demonstrate significant gains in achievement.

Title X, Part I, Elementary School Foreign Language Assistance Program

<u>Program authorized</u> Authorizes three-year discretionary grants to SEAs and LEAs to pay the Federal share of the cost of innovative elementary and secondary foreign language programs. At least 75 percent of funds must be used for programs at the elementary level. Also authorizes a Foreign Language Incentive formula grants to schools operating foreign language programs that develop communicative competency.	Same. All activities must be at the elementary level, except that LEAs may include support for secondary school instruction, so long as that instruction is part of an articulated elementary-through-secondary school foreign language program. Repealed.
<u>Eligible Applicants</u> No comparable requirements. LEAs may receive grants if the Secretary determines that the program shows promise of being continued beyond the grant period and demonstrates approaches that can be disseminated.	States that have, or are establishing, State standards for foreign language instruction or that require foreign language instruction in all public elementary schools. LEAs that propose programs likely be continued beyond the grant period, demonstrate approaches that can be disseminated, include performance measurements and assessment systems, and use curriculum that is aligned with State standards.
<u>Authorized activities</u> No comparable provisions.	SEAs may use grants for activities such as developing foreign language standards and developing new certification requirements for elementary school foreign language teachers. LEAs may use funds for activities such as: professional development and coordination of elementary programs with secondary school programs.

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<u>Reports</u> No comparable provisions.	SEAs must submit an annual report that provides information on the project's progress in reaching its goals. LEAs must annually report on student gains in comprehending, speaking, reading, and writing a foreign language as compared to State foreign language standards.
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Title X, Part J, National Writing Project

National Writing Project <u>Program Focus</u> Authorizes the Secretary to make a grant to the National Writing Project, a nonprofit educational organization that has as its primary purpose the improvement of the quality of student writing and learning, and the teaching of writing in the Nation's classrooms.	No changes.
<u>Classroom Teacher Grants</u> Permits up to 5% of the amount appropriated for the entire National Writing Project to fund grants for classroom teachers. These grants would cover the Federal share of the cost of enabling classroom teachers to conduct classroom research, publish models of student writing, conduct "best practice" research, and other activities to improve the teaching of writing. Grants would not exceed \$2,000, and would supplement State and local funds allocated for these purposes.	Repealed.

Program Evaluation

Requires the Secretary to conduct an independent evaluation, by grant or contract, of the *teacher training* programs administered pursuant to this *Act*, including the amount of funds expended by the National Writing Project. Requires the results of the evaluation to be provided to Congress.

Permits the Secretary to conduct an independent evaluation of the program administered pursuant to this *part*.

TITLE XI – GENERAL PROVISIONS**Title XI, Part B, Improving Education through Accountability**Statewide Accountability System and Plan

No comparable provision.

Requires that each State:

- Develop and implement a statewide system for holding LEAs and schools accountable for student performance by: (1) identifying LEAs and schools in need of improvement; (2) intervening in those schools and LEAs to improve teaching and learning; and (3) implementing corrective actions if necessary.
- Develop an accountability plan that addresses the requirements for: (1) turning around failing schools; (2) student progress and promotion policy; (3) ensuring teacher quality; (4) having a sound discipline policy; and (5) producing State, LEA, and school report cards. In addition, the plan must have the concurrence of the Governor and SEA.
- Report annually to the Secretary on State progress toward implementing the accountability provisions, which must be fully implemented not later than four years from the date of approval of the plan.

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<u>Social Promotion and Retention</u>	Requires States to ensure that students have progressed through school on a timely basis having met challenging standards and end the practices of social promotion and retention by adopting policies such as: requiring students to demonstrate that they have met the standards at 3 key transition points, one of which must be graduation from secondary school; requiring LEAs to provide all students with qualified teachers who are supported by high-quality professional development; and providing students who have not met the standards with appropriate interventions to help them meet the standards.
<u>Qualified Teachers</u>	Requires States to ensure that there is a qualified teacher in every classroom by requiring that: (1) at least 95 percent of teachers within the State are certified or are enrolled in a certification program; (2) at least 95 percent of the teachers in secondary schools within the State are teaching a subject in which they have an academic major or demonstrated competency; (3) unqualified teachers are not disproportionately concentrated in particular LEAs; and (4) the certification process for new teachers includes an assessment of content knowledge and teaching skills.
<u>Discipline</u>	Requires that States hold LEAs and schools accountable for having and implementing sound and equitable discipline policies to ensure a safe, orderly, and drug-free learning environment in every school.

<u>State Report Cards</u>	Requires States to develop an annual state-level report card containing data on: (1) student performance on statewide assessments in reading and mathematics, as well as any other subjects for which the State requires assessments; (2) attendance and graduation rates for public schools in the State; (3) average class size in each district in the State; (4) the incidence of school violence and drug and alcohol abuse, and the number of instances in which a student possessed a firearm at school; and (5) the professional qualifications of teachers in the State. A State may include other information that it deems appropriate to reflect school quality and student achievement. The State report card must provide statistically sound data disaggregated for gender, race, ethnic group, migrant status, students with disabilities, economically disadvantaged students, and students with limited English proficiency. State report cards must be posted on the Internet, disseminated to all LEAs and schools in the State, and made available to the public.
<u>Local Report Cards</u>	Requires States to ensure that LEAs and schools produce report cards containing the same information required of States. In addition, LEA report cards must include: (1) the number of low-performing schools; and (2) information on how students in the LEA performed on statewide assessments compared to other students in the State. School report cards must identify whether the school has been identified as a low-performing and how its

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	students have performed on statewide assessments compared to other students in the LEA. LEA report cards must be distributed to all schools served by the LEA and made widely available to the public; school report cards must be made available to all parents in the school and broadly available to the public.
<u>Sanctions</u>	Provides sanctions the Secretary may impose on any State that fails to substantially carry out one of the accountability provisions or meet a performance indicator in its plan.
<u>Rewards and Recognition</u>	Requires the Secretary to recognize and reward States determined to have demonstrated significant, statewide achievement gains in core subjects, as measured by NAEP for three consecutive years, have closed the gap between high- and low-performing students, and have in place strategies for continuous improvement. Authorizes appropriations for this purpose.

Title XI, Part C, America's Education Goals Panel

Authorizes the establishment of a panel to: (1) report annually to the President, Secretary, and Congress on progress toward achieving the National Education Goals; (2) review voluntary national content and student performance standards; (3) report on promising or effective actions being taken at the national, State, and local levels, and in the public and private sectors, to achieve the National Goals; and (4) help build a nationwide, bipartisan consensus for the reforms necessary to achieve the Goals.	Renames the Panel as the America's Education Goals Panel. Makes necessary updates and clarifications.
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TITLE XII – OTHER AMENDMENTS

Education For Homeless Children And Youth (McKinney Act)

Current Law	Educational Excellence for All Children Act
<u>Statement of Policy</u> Focus is on ensuring that all homeless children and youth have equal access to the same free, appropriate public education available to other children.	Expands on the current purpose to ensure that homeless children are not segregated based on their status as homeless. Prohibits a State receiving funds under this subtitle from segregating a homeless child or youth, either in a separate school or in a separate program within a school, except for short periods of time because of health and safety emergencies or to provide short-term services to meet the unique needs of homeless children and youth.
<u>State Activities</u> Requires States to estimate numbers of homeless children and youth in the State and the number of homeless children and youth served by the program.	Eases burden on States by requiring, in place of the State data collection, that the Secretary periodically collect and disseminate data and information on the number and location of homeless children and youth, the services they receive, and the extent to which such needs are being met.
<u>State Plan</u> Included in the plan are requirements that LEAs comply with the parents' interests, to the extent feasible, when determining the school that a homeless child will attend.	Requires school districts to maintain homeless children in their school of origin to the greatest extent feasible.
<u>Grants to LEAs</u> Authorizes States to award grants to LEAs that submit an application on the basis of need, but does not specify whether these grants are to be awarded competitively.	Clarifies that subgrants to local educational agencies are to be awarded competitively on the basis of the quality of the program and the need for assistance.

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LEA Responsibilities

Requires every LEA that receives a subgrant to designate a homeless liaison to ensure that homeless children are enrolled in, and succeed in, school and that homeless families and children receive equitable access to education and other support services.

Requires all districts in which homeless children reside or attend school to designate a homeless liaison responsible for ensuring that homeless children are regularly attending school and are receiving equitable access to high-quality education and support services.

Also requires school districts to post public notices regarding the educational rights of homeless children and youth in family shelters, soup kitchens, health clinics, and elsewhere.